

BOROUGH OF SOUDERTON ZONING ORDINANCE

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Montgomery County, Pennsylvania

BOROUGH OF SOUDERTON ZONING ORDINANCE

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BOROUGH OF SOUDERTON ZONING ORDINANCE

ORDINANCE NO. 405 of 1972

(As Amended by Ordinance N. 432, 509, 514, 542, 547, 570, 571; Amended by Ord. No. 15-718-01, 8/3/2015; Ord. No.

16-723-01, 3/7/2016; and 16-726-01, 8/1/2016)

In pursuance of authority conferred by the Pennsylvania Municipalities Planning Code, Act of P.L. 805, No. 247 (Reenacted and amended December 21, 1988, P.L. __, No. 170), the Borough Council of the Borough of Souderton hereby enacts and ordains this ordinance.

**ARTICLE I
LEGISLATION AND SCOPE**

Section 100. Short Title and Effective Date.

This ordinance shall be known and may be cited as the “Borough of Souderton Zoning Ordinance of 1972, as amended” and the map as the “Zoning Map, as revised.” This ordinance shall become effective upon enactment and advertisement as required by law.

Section 101. Purpose.

This ordinance is enacted for the purpose of promoting, protecting and facilitating the public health, safety, morals, general welfare, coordinated and practical community development in accordance with a comprehensive plan, proper density of population, the provision of adequate light and air, vehicle parking and loading space, transportation, water, sewerage, public grounds, and other public requirements. It is designed to facilitate the prevention of the overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers. It is in accordance with an overall program and takes into consideration the character of the municipality, its various parts and the suitability of the various parts for particular uses and structures.

Section 102. Interpretation.

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, morals and the general welfare of the borough. The comprehensive plan in accordance with which this ordinance is enacted and which is reflected in the provisions of this ordinance has been formulated to implement the purpose set forth in Section 101 hereinabove, in the respects therein stated and more particularly with a view toward the following objectives:

- A. Guiding and encouraging the future development of the borough in accordance with comprehensive planning of land use and population density that represents the most beneficial and convenient relationships among the residential, commercial, industrial and recreational areas within the borough, having regard to their suitability for the various uses appropriate to each of them and their potentially for such uses, as indicated by topography and soil conditions, existing man-made conditions, and trends in population, in the direction, and manner of the use of land, in building development, and in economic activity, considering such conditions and trends both within the borough and with respect to the relation of the borough to surrounding areas;
- B. Protecting the character and the social and economic stability of each of such areas and encouraging their orderly and beneficial growth;
- C. Protecting and conserving the value of land and buildings throughout the borough appropriate to the various zoning district established herein;
- D. Bringing about through proper timing the gradual conformity of land use to the comprehensive plan aforesaid, and minimizing conflicts among the uses of land and buildings;
- E. Aiding in bringing about the most beneficial relation between land use and the circulation of traffic throughout the borough, having particular regard to traffic to and from main arteries of travel, and to avoidance of congestion in streets and the provision of safe and convenient access appropriate to the various land uses; and
- F. Aiding in providing a guide for public policy and action in the efficient provision of public facilities and services, in the provision of safe and proper sanitary sewerage disposal, and for private enterprise in building development, investment, and other economic activity relating to land use; insofar as such objects are consistent with the purpose set forth in Section 101 and with the aforesaid minimum requirements therefor. The provisions of this ordinance shall be interpreted, administered, and applied in such manner as will facilitate attainment of the said objectives.

Section 103. Conflict.

It is not intended by this ordinance to repeal, abrogate, annul or interfere with any existing ordinance or enactment, or with any rule, regulation or permit adopted or issued thereunder, except insofar as the same may be inconsistent or in conflict with any of the provisions of this ordinance, provided that where this ordinance imposes greater restrictions upon the use of buildings or land, or upon the height and bulk of buildings, or prescribes larger open spaces than are required by the provision of such ordinance, enactment, rule, regulation or permit, then the provision of this ordinance shall control.

Section 104. Validity.

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance as a whole or of any part thereof. It is not intended by this ordinance to interfere with any building code heretofore or hereafter adopted or any rules or regulations of the Board of Health.

Section 105. Repealer.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

ARTICLE II DEFINITIONS

Section 200. Definitions.

Unless otherwise expressly stated, the following words and phrases shall be construed throughout this ordinance to have the meaning indicated in this article. The present tense include the future; the singular number includes the plural, and the plural the singular; the masculine gender includes the feminine and neuter; the word “used” includes the words “designed, arranged, or intended to be use”; the word “person” includes any individual, partnership, firm, association, corporation or organization; the word “occupied” includes the words “designed or intended to be occupied;” and the word “shall” is always mandatory. The word “borough” means the Borough of Souderton, Montgomery County, Pennsylvania; the term “borough council” means the Borough Council of the Borough of Souderton; the term “zoning hearing board” means the Zoning Hearing Board of the Borough of Souderton.

ACREAGE, GROSS. The total area measured to the property lines of the parcel or lot.

ACREAGE, NET. The total area of a lot, tract, or parcel of land excluding land in existing and proposed streets and street rights-of-way.

ADULT DAY CARE FACILITY. Any premises operated for profit or not for profit in which older adult daily living services, as defined herein, are simultaneously provided for four or more adults who are not relatives of the operator. The following types of adult day care facilities are regulated by this chapter:

1. Adult Day Care Home – Any adult day care facility in which services are provided to between 4 and 8 adults, and where the day care areas are being used as a family residence.
2. Adult Day Care Center – Any adult day care facility in which services are provided to 8 or more adults, and where the day care areas are not being used as a family residence.

AGE QUALIFIED HOUSING. A development consisting of residential living units for permanent occupancy by persons who are 55 years of age or older, and for married couples with one spouse or both spouses being 55 years of age or older. Such developments may also provide facilities and services for the use of the residents such as, but not limited to a clubhouse, community room, auditorium and recreation facilities.

ALLEY. A publicly- or privately-owned right-of-way which usually provides secondary vehicle access to the side or rear of two or more lots, and which is not intended for through traffic.

APARTMENT. A dwelling unit in a building containing three or more units having some common services or facilities, or both, and/or served by a common entrance hall. May also be defined as a dwelling unit in a combined-use building containing two or more uses.

APARTMENT HOUSE. A building containing three or more dwelling units having common services or facilities, or both, and/or served by a common entrance hall.

BED AND BREAKFAST HOUSE. A home occupation that provides up to 20 rooms (limited to two (2) persons or one (1) family per unit/room) for occasional paying guests on an overnight basis for periods not to exceed 14 days with breakfast being available on the premises at no additional cost. A bed and breakfast home is allowable only in a building originally constructed as a single-family detached dwelling.

BED AND BREAKFAST INN. A tourist home that provides one (1) to six (6) rooms (limited to two (2) persons or one (1) family per unit/room) for paying guests on an overnight basis periods not to exceed 14 days with breakfast being available on the premises at no additional cost.

BOUTIQUE HOTEL. A small hotel not less than ten (10) and not more than 50 rooms, typically offering enhanced level of services and marketed at a premium price to a select clientele.

BREW PUB. A commercial establishment where alcoholic beverages are produced on site that serves both food and alcoholic beverages for consumption on site. The alcoholic beverages made on site must be available for retail sale directly to consumers.

BUILD-TO-LINE. A line extending through the lot, which is generally parallel to the front property line and marks the location from which the vertical plane of the front building elevation must be erected; intended to create an even building façade line along a street. The build-to-line is established on the record plan.

BUILDING. Any structure having enclosing walls and roof, permanently located on the land.

BUILDING, ACCESSORY. A building subordinate to the principal building on a lot and used for purposes customarily incidental to those of the principal building.

BUILDING, PRINCIPAL. A building in which is conducted the principal use of the lot on which it is situated.

BUILDING AREA. The relation of the total ground floor area of all buildings on a lot to the total area of the lot on which they are located.

BUILDING SETBACK LINE. A line within the lot, whether or not designated on a plan, between which line and the right-of-way line of the street on which the lot abuts, a building may not be erected.

CARTWAY. The portion of a street intended for vehicular use.

CATERING SERVICE. An establishment for the preparation of food and meals where such food and meals are consumed at another location.

CHAMFERED ROOF. A roof with a beveled edge, especially to a beam.

CHILD DAY CARE FACILITY. The following types of child day care facilities are regulated by this chapter:

1. Day Care Center – A facility in which care is provided for seven (7) or more children at any one time, where the child care areas are not being used as a family residence.
2. Family Day Care Home – Any premises other than the child’s own home, in which child day care is provided at any one time to 4, 5 or 6 children who are not relatives of the caregiver, and where the child care areas are being used as a family residence.
3. Group Day Care Home – A facility in which care is provided for more than 7 but less than 12 children at any one time, where the child care areas are being used as a family residence.

COMBINED USE BUILDINGS. Buildings that combine a residential use with a mix of commercial, office, or institutional uses permitted in the zoning district. Combined Use Buildings may be attached side to side as permitted in the zoning district. [July 1, 2019]

COMMUNITY CENTER. A public or quasi-public institution devoted exclusively to one or more of the variety of group activities—civic, social, recreational, educational or cultural—and maintaining the premises and facilities appropriate to such activities; provided, however, that the said premises shall not include living quarters for persons other than those engaged in the conduct or maintenance of the institution.

COMPREHENSIVE PLAN. The official public document of current adoption consisting of maps, charts and textual matter, that constitutes a policy guide to decisions about the physical and social development of the borough. The comprehensive plan includes a statement of objectives, a plan for land use, a plan for movement of people and goods, a plan for community facilities and utilities, plus a map or statement indicating the relationship of the municipality and its proposed development to adjacent municipalities and areas.

CONVENIENCE STORE. Any retail establishment offering for sale a limited line of groceries and household items intended for the convenience of the neighborhood.

CORNICE. The projection at the top of a wall or the top course or molding of a wall when it serves as a crowning member.

CUL-DE-SAC. A street with access at one end and terminated at the other by a paved vehicular turnaround.

DAY SPA. A business in which massage and body or facial treatments are performed by professional, licensed therapists. Private treatment rooms are provided for each client receiving a personal service. Full service hair salons, make-up consultations and application, and manicure and pedicure services may be provided as additional services.

DENSITY. The number of dwelling units per developable acre.

DEPARTMENT OF HEALTH (DOH). The Department of Health of the Commonwealth of Pennsylvania or any agency successor thereto.

DEVELOPABLE ACRE. All land within the lot lines except that located with existing rights-of-way of public roads and overhead utility lines, floodplains and land continuously covered with water.

DRIVE-THROUGH FACILITY. A facility allowing transactions for goods or services without leaving a motor vehicle.

DRIVE-THROUGH WINDOW. A window in a building or structure, whose primary purpose is to sell and/or distribute goods and services to customers while in their motor vehicles.

DRIVEWAY. A privately owned, constructed, and maintained vehicle passageway from a street to one or more principal buildings or their accessory buildings or to a parking lot and which does not meet the definition of a street or an alley.

DWELLING. A house, an apartment, or other group of rooms, or a single room when it is occupied or intended for occupancy as separate living quarters, that is, when the occupants do not live and eat with other persons in the structure and there is either (1) direct access from the outside or through a common hall or (2) a kitchen or cooking equipment for the exclusive use of the occupants of the unit.

DWELLING, MULTIFAMILY. A building, not a row house dwelling designed for an occupied exclusively as a residence for no less than three or more six families living independently of one another, with or without provision of meal service for its tenants and guests and with or without a central dining room therefore, but without meal service for the general public, and without habitable rooms in the basement other than janitor's living quarters.

DWELLING, ROWHOUSE OR TOWNHOUSE. One of the structurally-connected series of three or more buildings, arranged in a row having only one unit from ground to roof and have at least two independent outside yards and not more than two walls in common with another dwelling unit. Also known as attached single-family dwelling.

DWELLING, SINGLE-FAMILY DETACHED. A building designed for an occupied exclusively as a residence for only one family and having no party wall in common with an adjacent building. Where a private garage is structurally attached to such building, it shall be considered as a part thereof.

DWELLING, SINGLE-FAMILY SEMI-DETACHED. A building designed for and occupied exclusively as a residence for only one family and having a party wall in common with an adjacent building; a single-family twin dwelling. Where a private garage is structurally attached to such building, it shall be considered as a part thereof.

DWELLING, TWO-FAMILY DETACHED. A building designed for and occupied exclusively as a residence for two families living independently of each other with one family living wholly or partly over the other and have no party wall in common with an adjacent building; a detached duplex dwelling. Where a private garage is structurally attached to such building, it shall be considered as a part thereof.

ELDERLY HOUSING, LIFE CARE HOUSING. Dwelling units limited to owners or tenants who shall be no less than 62 years of age.

EVENT FACILITY. A location, building, site, or structure that is not a restaurant which is rented as a place for the purpose of accommodating a group of diners, patrons, guests, or other attendees for functions such as banquets, wedding receptions, parties, entertainment, meetings, conferences, and/or similar gatherings. Food preparation may or may not be done on site.

EXISTING BUILDING. Any building existing as of the date of the adoption of this ordinance.

FAÇADE. The exterior walls of a building facing a frontage line.

FAMILY:

1. Any number of persons related by blood, marriage or adoption, up to 5 unrelated persons, living and cooking together as a single, nonprofit and non-transient housekeeping unit, including any number of foster children under the care of the same; or
2. When authorized by special exception, no more than 5 unrelated individuals, living together as a single, nonprofit and non-transient housekeeping unit (where at least 3 of the individuals require special care or supervision).

FARMERS MARKET. Temporary or occasional outdoor retail sales of farm produce from vehicles or temporary stands.

FENESTRATION. The arrangement of windows and other exterior openings on a building.

FLOOR AREA, GROSS. The sum of the horizontal areas of all stories of a building, measured from the exterior faces of exterior walls, or, in the case of a common wall separating two buildings, from the centerline of such common wall. Gross floor area shall exclude parking spaces, and unenclosed porches or decks.

FLOOR AREA RATIO (FAR). The sum of the area of all floors of buildings or structures, exclusive of parking garages, compared to the total gross acreage of the lot. [July 1, 2019]

GARAGE, PRIVATE. A building accessory to a dwelling for the storage of not more than three motor vehicles, one of which may be a commercial vehicle.

GARAGE, PUBLIC. A building, other than a private or storage garage, one or more stories in height, used solely for the commercial storage, service or repair of motor vehicles.

GARAGE, STORAGE. A building, not a private or public garage, one-story in height, used solely for the storage of motor vehicles, but not for the service or repair thereof nor for the sale of fuel, accessories or supplies.

GARDEN APARTMENT. An apartment house or group of apartment houses which constitutes a single operating and proprietary unit, and may include storage garages restricted for use of apartment tenants. It shall not exceed 45 feet in height or five stories exclusive of basement.

GASOLINE FILLING STATION. Any area of land, including structures thereon, or any building or part thereof, that is used for the sale of gasoline or other motor vehicle fuel or accessories, and which may or may not include facilities for lubricating, washing or otherwise servicing motor vehicles, but which shall not include painting or body and fender repairs.

GROUP HOME. A residential facility used as living quarters by any number of unrelated persons requiring special care, and their attendance adult supervisors, specifically designed to create a residential setting for the mentally and physically handicapped (as a permitted use), or for other similar uses (as a special exception). The individuals may be either transient or permanent residents. Any number of handicapped persons, as defined in Title VIII of the Civil Rights Act of 1968, as amended by the "Fair Housing Amendments Act of 1988" have a right to occupy a dwelling unit in the same manner and to the same extent as any family unit.

HEIGHT OF BUILDING. The overall height of a building measured from the average ground surrounding the building to: (1) the top of the roof for flat roofs, (2) the deck lines for mansard roofs, and (3) the average height between eaves and ridge for gable, hip and gambrel roofs. Towers, spires, chimneys, solar panels, skylights, and other similar uninhabited features shall not be considered part of the height of the building.

HIGH-RISE APARTMENTS. A dwelling unit in a building which is 5 or more stories in height, containing ten (10) or more units have some common services or facilities or both and/or served by a common entrance hall.

HOME OCCUPATION. A lawful occupation conducted in a dwelling in which the practitioner resides and subject further to Article XIV Accessory Uses and all regulations in connection therewith.

HOTEL. A building used for the purpose of furnishing for compensation more or less temporary lodging to the public, with or without meals, and having lodging accommodations for 10 or more persons.

HOTEL, EXTENDED STAY. A building intended to provide transient lodging accommodations to the general public, targeted to the business or leisure traveler who is planning to stay for a period longer than a typical hotel stay. To constitute an extended stay hotel, each hotel room or suite must: be furnished; contain kitchen facilities to include a range, cooktop, microwave or conventional oven, refrigerator and sink; and provide on-premises staff or on-call services to guests 24 hours per day. Extended stay hotel rooms and suites shall not be used as permanent dwellings.

JUNKYARD. A lot, land or structure, or part thereof, used primarily for the collection, storage and sale of waste paper, rags, scrap metal or discarded material; or for the collection, dismantling, storage and salvaging of machinery or vehicles not in running condition, and for the sale of parts thereof.

LAND DEVELOPMENT:

1. The improved of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving a group of two or more existing or prospective occupants by means of, or for the purpose of streets, common area leaseholds, condominiums, building groups of other features; a subdivision of land.

2. A division of land into lots for the purpose of conveying such lots singly or in groups to any person, partnership or corporation for the purpose of the erection of buildings by such persons, partnership or corporation.

LAUNDROMAT. A business premises equipped with individual clothes-washing and/or drying machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use in an apartment house or an apartment hotel.

LOADING SPACE. A space, accessible from a street or way, in a building or on a lot for the temporary use of vehicles while loading or unloading merchandise or materials.

LOT. A parcel of land which is occupied or is to be occupied by one principal building or other structure or use, together with any accessory buildings or other structures or uses customarily incidental to such principal building or other structure or use, and such open spaces as are arranged or designed to be used in connection with such principal building or other structure or use, such open spaces and the area and dimensions of such lot being not less than the minimum required by this ordinance.

LOT, AREA. The area contained within the property lines of any lot, excluding any area within any street right-of-way, but including the area of any easement.

LOT AREA PER FAMILY. The quotient obtained by dividing the lot area by the total number of families housed or to be housed thereon.

LOT, CORNER. A lot at the junction of and abutting on two or more intersecting streets, or at the point of abrupt change in direction of a single street and the interior angle of which is not greater than 135 degrees.

LOT, INTERIOR. Any lot other than a corner lot.

LOT LINE. A property boundary line of any lot held in single or joint ownership, except in the case of any lot abutting a street, the lot line for such portion of the lot as abuts the street shall be deemed to be the same as the ultimate right-of-way, and shall not be the centerline of the street, or any other line within the street line even though such may be the property boundary line.

LOT LINE, FRONT. The lot line abutting a street and coinciding with the right-of-way, and in the case of a corner lot, whichever street-abutting lot line is elected by the owner or person applying for the building permit.

LOT LINE, REAR. A lot line opposite and most distant from the front lot line. If the rear lot line is less than 10 feet in length, or if the lot forms a point at the rear, the rear lot line shall be deemed to be a line 10 feet in length within the lot, parallel to and at the maximum distance from the front lot line.

LOT LINE, SIDE. Any lot line not a front or rear lot line.

LOT WIDTH. The horizontal distance between side lot lines measured at the ultimate right-of-way line. For lots bordering the turnaround portion of a cul-de-sac, width may be measured at the building line. For corner lots, the minimum width is required along both the streets. The required lot width shall extend the full depth of the building envelope.

MASSAGE PARLOR. A business wherein therapeutic massage is practiced by a certified massage therapist.

MASSING. The three-dimensional shape of a building's height, width and depth.

MEDICAL MARIJUANA. Marijuana for certified medical use as set forth in the Medical Marijuana Act.

MEDICAL MARIJUANA ACT. The Pennsylvania Medical Marijuana Act, Act 16 of 2016, 53 P.S 10231.101 et seq., as amended.

MEDICAL MARIJUANA DISPENSARY. A person, including a natural person, corporation, partnership, association, trust, or other entity or any combination thereof which holds a permit from the Department of Health to grow and process Medical Marijuana. The term includes the facilities in which Medical Marijuana is grown and processed. The term does not include a Health Care Medical Marijuana Organization under Chapter 19 of the Medical Marijuana Act.

MOBILE HOME. A single-family detached dwelling intended for permanent occupancy, which may not meet local building codes but does meet the standards set by the United States Department of Housing and Urban Development and other appropriate federal agencies and is certified by them, contained in one unit or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation, including any roofed addition such as extra rooms, covered patios, porches, etc.

MOBILE HOME LOT. A parcel of land in a mobile home park, provided with the necessary utility connections, patio and other appurtenances necessary for the erection thereon of a single mobile home and the exclusive use of its occupants.

MOBILE HOME PARK. A parcel of land under single ownership which has been planned and improved in compliance with the requirements of the R-2 Residential district for the placement of mobile homes, consisting of two or more mobile home lots.

MOTEL. A building or group of two or more detached or semi-detached buildings containing rooms or apartments having separate ground floor entrances provided directly or closely in connection with automobile parking or storage space serving such rooms or apartments, which building or group of buildings is designed, intended, or used principally for the providing of sleeping accommodations for automobile travelers and is suitable for occupancy at all seasons of the year.

NON-CONFORMING. A building, or other structure, sign, use or lot, which by reasons of design, size or use, does not conform with the requirements of the district, or districts, in which it is located.

OFFICE.

BUSINESS OFFICE. Administrative, executive, research, business, or similar office use not regularly serving customers.

PROFESSIONAL OFFICE. An office or studio for a teacher, artist, counselor, insurance agent, architect, planner, musician, notary, accountant, lawyer, engineer, real estate agent, or other such professional who may see customers, teach, or tutor from the office. This shall exclude medical or health care offices or personal service shops. A maximum of 10% of the office space may be used for related retail sales.

MEDICAL OFFICE. An office for the provision of medical, dental, and veterinary services including the services of a doctor, nurse, medical technician, dentist, veterinarian, or chiropractor, and the services of any assistants as are necessary to perform the service. This shall include urgent care centers and exclude clinical laboratory facilities, dialysis centers, outpatient medical treatment centers, and any other specialized medical services as defined in SPECIALIZED MEDICAL TREATMENT SERVICE OFFICE. This shall also exclude any facility which keeps human patients overnight.

SPECIALIZED MEDICAL TREATMENT SERVICE OFFICE. A location for specialized medical-related diagnosis and treatment services such as outpatient clinic, dialysis centers, outpatient substance abuse treatment and rehabilitation facilities, clinical laboratories, and other outpatient treatment centers, but shall exclude any facility which keeps human patients overnight.

OFFICIAL MAP. The official map of current adoption showing the exact location of the lines of existing and proposed public streets including the ultimate width of the corridor for such streets, watercourses and public grounds for the whole of the municipality of the Borough of Souderton provided that proposed streets, watercourses, or public grounds shall not, in and of itself, constitute a taking or acceptance of any land by the Borough of Souderton.

OPEN SPACE. Land area used for active or passive outdoor recreation, resource protection, or other landscaped or undeveloped area, exclusive of area devoted to parking, vehicular traffic, or private use.

OUTDOOR DINING AREA. An outdoor area that is established for the purposes of eating and/or drinking the items sold at a restaurant, coffee shop, or other food service establishment. The outdoor dining area use shall be accessory to a permitted restaurant, coffee shop, or other food establishment. Outdoor dining standards and regulations do not apply to outdoor dining that is in or on any permanent part of a building's porch, patio, roof, or other part of the building. Outdoor dining regulations shall also apply to walk-up window service.

OUTDOOR DINING ELEMENT. Outdoor dining elements are one or more of the following: Tables, chairs, reservation podiums, portable heaters, trash or recycling receptacles, posts with ropes, bollards, umbrellas, planters or other items used for outdoor dining.

OUTDOOR SALES DISPLAY. The exterior display of merchandise normally vended within the contiguous business or organization.

PARAPET. The portion of a wall which extends above the roofline.

PARKING LOT. An off-street tract of land which is used for the parking of two or more motor vehicles for use by employees, visitors, or residents of an apartment building, commercial, industrial, or institutional establishment, or any public accommodation.

PARKING SPACE. A reasonably level space available for the parking of one motor vehicle exclusive of passageways, driveway or other means of circulation or access.

PERFORMANCE STANDARDS. Measures and standards by which the suitability of a proposed use can be measured by the extent of its external effect.

PERSONAL SERVICE SHOP. A business which provides a service oriented primarily to personal needs, and not primarily involving retail sales of goods or professional advisory services. Included are: tailor, barber, beauty salon, shoe repair, dressmaker or dry cleaner (provided no cleaning operations are performed on the premises).

PIERCING STUDIO. A business where body piercing is performed.

PLANNING COMMISSION. Planning Commission of the Borough of Souderton.

PLAN.

1. Improvement Construction – A plan prepared by a registered engineer or surveyor showing the construction details of streets, drains, sewers, bridges, culverts and other improvements as required by these regulations showing the horizontal details, profile and typical cross-section to be constructed or installed.

2. Land Development – A tentative, preliminary or final plan including written and graphic material showing the provision for development of a subject tract when plans of subdivision would not be applicable.
3. Preliminary – A plan prepared for discussion with the Planning Commission and governing body by a registered engineer or surveyor showing the proposed street and lot layout, the deed restrictions, easements, etc. of the entire land owned being subdivided.
4. Record – A plan prepared for recording by a registered engineer or surveyor, showing the ultimate width of streets, the lot lines, easements and any other relevant information pertaining to the subdivision.
5. Tentative – A rough draft showing proposed streets and lots related to topography, to be used as the basis for informal discussion between the representatives of the Planning Commission and subdivider, developer or builder.

PLAT. The map or plan of a subdivision or land development, whether preliminary or final.

PORTICO. A covered walk or porch that is supported by columns or pillars; also known as colonnade.

PROFESSIONAL OFFICE. A building in which services are performed by a member of a profession, including but not limited to an accountant, architect, author, community planner, dentist, engineer, insurance agent, landscape architect, lawyer, minister, notary, optometrist, physician or realtor.

RESIDENTIAL CLUB. A building housing a club or similar organization providing sleeping accommodations for more than ten (10) members thereof, and whose chief activity or service shall not be performed for profit.

RESTAURANT. A building in which food is prepared and served to the public for consumption, where waiters or waitresses take orders and serve food to people at tables, booths or counters. This shall also include a buffet restaurant where customers serve themselves and consume the food and beverages on the property.

RESTAURANT, FAST FOOD. A building in which food is prepared and served to the public for consumption where cashiers take orders and serve food to people at drive-through windows or counters. At fast food restaurants, customers typically pay for food before consuming it, and food is often served in containers which are intended to be cleared from tables by customers. Any drive-through facility that serves food shall be considered a fast food restaurant.

RIGHT-OF-WAY. An area or strip of land that is reserved for current or future use as a street or an alley and/or by one or more utilities. In addition to the cartway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities.

RIGHT-OF-WAY, EXISTING. The established right-of-way that is currently in use for pedestrian or vehicle travel or for utilities.

RIGHT-OF-WAY, ULTIMATE. The future or planned width of a street or alley in the public domain as shown on the official ultimate right-of-way map on file at the office of the borough secretary.

ROOMING HOUSE. A building consisting of a single dwelling unit and not more than five rooms or suites, where lodging is provide with or without meals to tenants for periods generally longer than 30 days, for compensation.

SATELLITE DISH ANTENNA. A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow-dish, cone, horn or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially- and/or orbitally-based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth station and microwave antennas.

SETBACK. The minimum distance by which any building or structure must be separated from an existing right-of-way, lot line, land use, or other specified feature.

SHARED PARKING. A parking lot or area that is utilized by two or more uses located on the same or abutting lots.

SIGN. Any device, structure, fixture, painting, emblem, or visual that uses words, graphics, colors, illumination, symbols, numbers, or letters for the purpose of communicating a message. Sign includes the sign faces as well as any sign supporting structure.

SINGLE AND SEPARATE OWNERSHIP. The ownership of property by any person, which ownership is separate and distinct from that of any adjoining property.

SPECIAL EXCEPTION. Permission, approval or authorization granted by the Zoning Hearing Board in situations where provision therefor is made by the terms of this ordinance.

STACKING SPACE. A paved surface area designed to accommodate a motor vehicle waiting for entry to any drive-in facility or auto-oriented use, which is located in such a way that no driveway, crosswalk, or parking space is obstructed by the waiting vehicle(s).

STORY. That part of any building comprised between any floor and the floor or roof next above. The "first story" is a wall is the lowest story which is 75 percent or more above the average level of the ground adjacent to said wall.

STREET. An existing right-of-way, publicly- or privately-owned, serving primarily as means of vehicular and pedestrian travel, which may also be used to provide space for sewers, public utilities, shade trees, sidewalks; and other public amenities. A street shall provide the principal means of vehicle access to properties. The term "street" shall include the terms "road," "highway," "avenue," "boulevard," "lane," "court," and shall not include "alley" or "driveway."

STREET LINE. The dividing line between a lot and the outside boundary or right-of-way line of a public street, road or highway legally open or officially platted, or between a lot and a privately-owned street, road or way over which the owners or tenants of two or more lots each held in single and separate ownership have the right-of-way.

STRUCTURAL ALTERATION. Any change in or addition to the supporting or structural members of a building or other structure, such as the bearing walls, partitions, columns, beams or girders, or any change which could convert an existing building or other structure into a different structure or adapt it to a different use, or which in the case of a non-conforming building or other structure would prolong the life of such building or other structure.

STRUCTURAL UNIT. One or more buildings enclosed by continuous exterior walls and a continuous roof.

STRUCTURE. Any form or arrangement of building materials involving the necessity of provide proper support, bracing, tying, anchoring, or other protection against the forces of the elements.

SUBDIVISION. The division or re-division of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer or ownership or building or lot development.

TATTOO PARLOR. A business where tattooing is practiced.

TAVERN. An establishment which serves alcoholic beverages for on-premises consumption and which is licensed by the Pennsylvania Liquor Control Board.

TELEPHONE CENTRAL OFFICE. A building and its equipment used for the transmission and exchange of telephone or radio telephone messages between subscribers and other business of a telephone company, provided that in the residential districts, a telephone central office shall not include public business facilities, storage of materials, trucks, or repair facilities, or housing of repair crews.

TOURIST HOME. A dwelling in which sleeping accommodations for less than 10 persons are provided or offered primarily for automobile travelers for compensation.

TOWER, COMMUNICATIONS. A structure, including an antenna, whether freestanding or attached to a building or other structure in any fashion, used for transmitting or receiving radio, television,

TRAILER. (House, Travel or Recreational Vehicles) Any vehicle designed, intended, arranged or used as a temporary place for living, eating, sleeping or business, equipped for use as a conveyance on streets or highways, the dimensions of which are within the maximum size limits for use without a special permit by the Pennsylvania Motor Vehicle Code; for the purpose of this chapter, not a dwelling unit, mobile home or modular home.

ULTIMATE RIGHT-OF-WAY. The future or planned width of a highway in the public domain as shown on the official ultimate right-of-way map on file at the office of the borough secretary.

USE, ACCESSORY. A use subordinate to the principal use of land or a building or other structure on a lot and customarily incidental thereto.

USED CAR LOT. Any land, used or occupied, for the purpose of buying and selling secondhand motor vehicles and storing said motor vehicles prior to sale.

VARIANCE. Permission, approval or authorization granted by the Zoning Hearing Board in accordance with Article XVI, Section 1605.D herein, constituting a modification of, or deviation from, the exact provisions of this ordinance as applied to a specific piece of property.

WALK-UP WINDOW. A window opening in the façade of a commercial building used for the sale of food and/or beverages. Such a window shall be designed for the exclusive use of pedestrians, and shall be located to provide a safe waiting area, and to not disrupt or impede pedestrian movement on a sidewalk used by the public.

WALKWAY, PUBLIC. Any space designed or maintained solely for pedestrian use, without regard to ownership.

YARD. An open, unoccupied space on the same lot with a building or other structure or use, open and unobstructed from the ground to the sky, except for public utilities and exclusive of streets and alleys.

YARD, FRONT. A yard extending the full width of the lot along the front lot line and extending in depth from the front lot line to the nearest point of any structure on the lot.

YARD, REAR. A yard extending the full width of the lot along the rear lot line and extending in depth from the rear lot line to the nearest point of any structure on the lot.

YARD, SIDE. A yard extending the full depth of the lot along a side lot line and extending in width from such side lot line to the nearest point of any structure on the lot.

ZONING MAP. The map setting forth the boundaries of the zoning districts of the municipality, which map shall be part of this ordinance.

[Amended: Ord. 638, 7/7/03; Ord. 668, 5/7/07; Ord. 671, 6/4/07; Ord. 673, 6/4/07; Ord. 683, 9/8/09; Ord. 692, 6/7/10; Ord. No. 15-718-01, 8/3/2015; Ord. No. 16-726-04, 8/1/16; July 1, 2019]

ARTICLE III CLASSIFICATION OF DISTRICTS

Section 300. Classes of Districts.

For the purpose of this ordinance, the Borough of Souderton is divided and designated into seven zoning district classifications as follows:

R-1 – Residential Districts	C-1 – Commercial – Central Business Districts
R-2 – Residential Districts	C-2 – Commercial – Limited Districts
R-3 – Residential Districts	LI – Limited Industrial Districts
Apartment Districts	GA – Garden

The locations and boundaries of such districts shall be as shown upon the map attached to and hereby made a part of this ordinance, which shall be designated, the “Zoning Map.” The said map, and all the notations, references and other data shown thereon, shall be as much a part of this ordinance as if fully described herein.

Section 301. District Boundaries.

The boundaries between districts are, unless otherwise indicated, either the center lines of streets, lanes, watercourses, rights-of-way of power lines, railroads, and other public utilities, or such lines extended, or lines parallel thereto. Where the boundaries of a single district are indicated as including directly opposite sides of a street, lane, lake or watercourse, or right-of-way of a power line, railroad or other public utility, for any portion of its length, the district so indicated shall be construed to apply to the entire bed of such street, lane, lake or watercourse, or right-of-way of a power line, railroad or other public utility, lying within such portion of its length. Where uncertainty exists as to the location of any said boundaries as show on the zoning map, the following rules shall apply:

- A. Where a district boundary is indicated as approximately following the centerline of a street, lane, lake or watercourse, or right-of-way of a power line, railroad or other public utility, such centerline shall be construed to be such boundary.
- B. Where a district boundary is indicated as approximately following a lot or other property line, such lot or property line shall be construed to be such boundary.
- C. Where a district boundary divides a lot or runs through undivided property, the location of such boundary, unless otherwise specified by figures on the zoning map, shall be determined by the use of the scale appearing on said map.
- D. Where figures are shown on the zoning map between a street and a district boundary, they shall indicate that the district boundary runs parallel to the street line at a distance therefrom equivalent to the number of feet so indicated, unless otherwise specified. Where scaled distances do not agree with such figures, the figures shall control.

Section 302. Federal and State Owned Property.

Whenever federal or state owned property is included in one or more zoning districts, it shall be subject to the provisions of this ordinance only insofar as permitted by the Constitution and laws of the United States of America and of the Commonwealth of Pennsylvania.

ARTICLE IV
R-1- RESIDENTIAL DISTRICTS

Section 400. Applicability of Regulations.

In R-1 – Residential Districts the following regulations shall apply.

Section 401. Use Regulations.

A building may be erected, altered or used and a lot may be used or occupied, for any of the following purposes, and no other:

- A. Single-family detached dwelling.
- B. Signs, subject to the provisions of Article XI.
- C. Any of the following purposes when authorized as a special exception and further subject to the regulations set forth in Section 404:
 - 1. Educational, religious, philanthropic use, excluding correctional or penal institution;
 - 2. Hospital, convalescent home, sanitarium;
 - 3. Municipal use, excluding dump;
 - 4. Community center, non-commercial park, athletic field, or recreational use.
- D. Accessory use on the same lot with and customarily incidental to any of the foregoing permitted uses; excluding, however, those accessory uses set forth in Section 1408.A and Section 1408.B.3.

Section 402. Height Regulations.

The maximum height of buildings and other structures erected or enlarged in this district shall be:

- A. For any dwelling, 35 feet, not exceeding 2½ stories;
- B. For any building accessory to any dwelling use, 18 feet, not exceeding 1½ stories;
- C. For any other non-dwelling building or other structure, 35 feet, except that such height may be increased to a maximum of 65 feet provided that for every foot of height in excess of 35 feet there shall be added to each yard requirement one (1) corresponding foot of width or depth.

Section 403. Area, Width and Yard Regulations.

- A. Minimum Lot Area and Width. A lot area of not less than 10,000 square feet and a lot width of not less than 70 feet at the street line shall be provided for every building or other structure erected or used for any use permitted in this district.
- B. Front, Rear and Side Yards.
 - 1. There shall be a front yard, the depth of which shall be at least 25 feet provided, however, that if a building line already exists by reason of existing buildings within 100 feet, the front yard requirement shall be met if it conforms to such established line, and, provided that in the case of a corner lot, a setback shall be required from the front street line on which the lot abuts as is hereinabove set forth and a setback (or side yard requirement) of 25 feet from the line on the side street on which the lot abuts.

2. There shall be two side yards, one on each side of the main building and accessory buildings. Neither side yard shall be less than 10 feet wide.
3. There shall be a rear yard, open except for accessory buildings, the depth of which shall be at least 25 feet. Accessory building shall not be erected within 10 feet of the rear lot line.

C. Building Area. Not more than 33-1/3 percent of the area of any lot shall be occupied by buildings.

Section 404. Additional Regulations for Uses Permitted by Special Exception.

A. The following additional meanings shall apply:

1. Religious uses shall mean churches, chapels or other places of worship and their adjunct residential dwellings.
2. Educational uses shall include public or private not-for-profit schools, colleges, universities, theological schools including their administrative offices, dormitories and adjunct play and recreational facilities associated therewith.
3. Philanthropic uses shall include only the headquarters or offices of nonprofit organizations.
4. Convalescent home and sanitarium shall include personal care communities, continuing care communities, and life care communities: nursing homes for the housing and care of the elderly.

B. For all authorized buildings and uses, the following regulations shall apply:

1. Area and Width. A lot area of no less than two (2) acres and with of no less than 200 feet measured along the street frontage.
2. Lot Coverage. The total area covered by buildings, parking lots, walkways and vehicular access ways shall not exceed 60 percent of the total lot area. The remaining area shall be used for and maintained as previous open space area for non-vehicular purposes only.
3. Height. The maximum height of any building shall be 35 feet, except as provided in Section 402.C. A steeple or church tower may be extended to a maximum height of 100 feet above the ground elevation.
4. Yard Requirements:
 - a. Front – The minimum depth of a front yard shall be 100 feet measured from the proposed right-of-way line (but never less than the existing right-of-way) of the street on which the building fronts. In the case of a corner lot, a front yard, the depth of which shall be at least 100 feet, shall be required on each street on which the lot abuts.
 - b. Side – For each building there shall be two (2) side yards of not less than 50 feet each.
 - c. Rear – There shall be established for each building a rear yard of at least 75 feet in depth.
 - d. Abutting a Residential District – Whenever the lot line abuts a residential district, the setback shall be a minimum of 100 feet from the property line.
 - e. Space Between Buildings – The minimum distance between buildings shall be 50 feet; provided, however, that the spacing between a principal and accessory building may be reduced to 35 feet.

[Amended: Ord. 672, 6/4/07, 404.C; Ord. 673, 6/4/07, 404.B.5 & 404.C]

ARTICLE V
R-2- RESIDENTIAL DISTRICTS

Section 500. Applicability of Regulations.

In R-2 – Residential Districts, the following regulations shall apply.

Section 501. Use Regulations.

A building may be erected, altered, or used, and a lot may be used or occupied, for any of the following purposes, and no other:

- A. A use permitted in the R-1 Residential Districts;
- B. Single-family semi-detached dwelling;
- C. Two-family detached dwelling;
- D. Two-family semi-detached dwelling;
- E. Storage garage when authorized as a special exception;
- F. Accessory use on the same lot with and customarily incidental to any of the foregoing permitted uses, provided, however, that accessory uses as defined in Section 1404.B.3 shall be permitted only when authorized as a special exception.

Section 502. Height Regulations.

The maximum height of buildings and other structures erected or enlarged in this district shall be as prescribed in Section 402 of Article IV herein.

Section 503. Area, Width, Yard and Building Coverage Regulations.

- A. Minimum Lot Area and Width. A minimum lot area per family and a minimum lot width at the street line shall be provided for every building erected, altered, or used for any dwelling use permitted in this district in accordance with the following:

Type of Dwelling	Minimum Lot Area per Family (square feet)	Minimum Lot Width (feet)
Single-Family Detached	8,000	50
Single-Family Semi-Detached	4,800	35
Two-Family Detached	4,800	60
Two-Family Semi-Detached	4,000	50

- B. Front, Rear and Side Yards.

- 1. There shall be a front yard, the depth of which shall be at least 25 feet, provided, however, that if a building line already exists by reason of existing buildings within 100 feet, the front yard requirement shall be met if it conforms to such established line, and provided that in the case of a corner lot, a setback shall be required from the front street line on which the lot abuts as is hereinabove set forth and a setback (or side yard requirement) of 25 feet from the line on the side street on which the lot abuts.

2. On each interior lot side yard shall be provided in accordance with the following:

Type of Dwelling	Minimum Number of Yards	Minimum Agg. Width (feet)	Minimum of Any One (feet)
Single-Family Detached	2	20	10
Single-Family Semi-Detached	1	15	15
Two-Family Detached	2	20	10
Two-Family Semi-Detached	1	15	15

3. Rear Yard. There shall be a rear yard on each lot the depth of which shall be not less than 25 feet, except that an accessory use structure may be erected within the rear yard not closer to the rear lot line than 10 feet.

- C. Building Area. No more than 33-1/3 percent of the area of any lot shall be occupied by buildings.

ARTICLE VI
R-3– RESIDENTIAL DISTRICTS

Section 600. Applicability of Regulations.

In R-3 – Residential Districts, the following regulations shall apply.

Section 601. Use Regulations.

A building may be erected, altered, or used, and a lot may be used or occupied, for any of the following purposes, and no other:

- A. A use permitted in the R-1 and R-2 Residential Districts.
- B. Garden apartments as a special exception provided the regulations of Article VII are met.
- C. Multifamily, provided the following regulations are met:
 - 1. Minimum Lot Area and Width. A minimum lot area of 3,000 square feet per family and a minimum lot width of 80 feet at the street line shall be provided for each multifamily dwelling.
 - 2. Minimum Side Yards. Each multifamily use shall have a minimum of two side yards, each side yard to be not less than 15 feet in width.
- D. Rowhouse (townhouse), not to exceed six (6) dwellings attached in any configuration; provided the following regulations are met:
 - 1. Minimum Lot Area and Width. A minimum lot area of 2,400 square feet per family and a minimum lot width of 20 feet at the street line shall be provided for each rowhouse dwelling.
 - 2. Minimum side yards at the end of each row shall have a minimum width of 15 feet.
 - 3. Maximum density of nine (9) dwelling units per acre.
- E. Mobile home parks when situate on a tract of not less than five (5) acres and having frontage of not less than 200 feet, the following standards shall also apply:
 - 1. Minimum lot area per family: 6,000 square feet.
 - 2. Minimum mobile home lot width: 50 feet.
 - 3. Maximum density: five (5) units per acre.

Section 602. Height Regulations.

The maximum height of buildings and other structures erected or enlarged in this district shall be as prescribed in Section 402 of Article IV and Section 502 of Article V.

Section 603. Area, Width, Yard and Building Coverage Regulations.

- A. Minimum Lot Area and Width. A minimum lot area per family and a minimum lot width at the street line shall be provided for every building erected, altered or used for any dwelling, except single-family detached, permitted in this district as prescribed in Section 503 of Article V. Single-family detached units shall have a minimum lot area of 6,000 square feet and a minimum lot width of 50 feet.
- B. Front, Rear and Side Yards. Specifications for front, rear and side yards of building and other structures erected or enlarged in this district shall be prescribed in Section 503.B of Article V.
- C. Building Areas. The maximum building area of any lot occupied by buildings shall be as prescribed in Section 503.C of Article V.

**ARTICLE VII
GA – GARDEN APARTMENT DISTRICTS**

Section 700. Applicability of Regulations.

In GA – Garden Apartment Districts, the following regulations shall apply.

Section 701. Use Regulations.

A building may be erected or used, and a lot used or occupied for garden apartments, accessory uses customarily incidental to the above use, including swimming pools, playgrounds, parks, tot lots, and in addition, off-street automobile parking and off-street delivery collection facilities; and also any use permitted in the R-3 Residential District in accordance with the standards and regulations of the R-3 District which shall apply to such use.

Section 702. Height Regulations.

- A. No building shall exceed five (5) stories exclusive of basement but in no event shall exceed a height of 45 feet.
- B. The minimum yard requirements shall be increased by one (1) foot horizontal distance from each corresponding one foot in height measured in excess of 20 feet.
- C. The minimum width of an outer court shall be 40 feet provided that if the walls of the court exceed 35 feet in height, the width of the court shall be increased by two (2) feet for each foot, or portion thereof, by which the walls exceed 35 feet.

Section 703. Area, Yard and Building Coverage Regulations.

- A. Lot Area and Density. A lot area of not less than 60,000 square feet shall be provided for each and every building hereafter erected, altered or used as a garden apartment. The maximum density shall not exceed:

Studio or One Bedroom Units	7.5 dwelling units/acre
Two Bedroom and Larger Units	12.5 dwelling units/acre

A mix of the above designations shall be provided with a prorated density. The den must be counted as a bedroom if it contains an entry door or if it contains more than 120 square feet.

B. Yard Requirements.

- 1. Front Yard. There shall be a front yard on each street on which a lot abuts which shall be not less than 40 feet in depth measured from the ultimate right-of-way as determined by the Borough Planning Commission.
- 2. Side Yard. There shall be two (2) side yards, neither of which shall be less than 20 feet in width.
- 3. Rear Yard. There shall be a rear yard which shall not be less than 50 feet in depth.

C. Building Coverage. The building coverage on any lot shall not be in excess of the following:

Number of Stories	% of Lot Area
2	35
3	25
4	20
5	15

Section 704. Interior Development Requirements.

- A. The distance, at the closest point, between any two buildings within a garden apartment development shall not be less than the height of the taller building, but in no event less than 25 feet.
- B. Apartment buildings shall be located a minimum of 15 feet from the edge of paved internal roads or parking areas.
- C. The maximum length of any apartment building, including angles, shall not exceed 160 feet.

Section 705. Parking. (Repealed)

Section 706. Development Regulations.

- A. The proposed apartment development shall be in accordance with the comprehensive plan of the Borough, shall be related to surrounding lands use features of the area including, inter alia, schools parks, open spaces, existing transportation facilities, existing and proposed residential characteristics, local and regional business areas and shopping facilities, and such other features as shall contribute to the harmonious development of the area, with regard to the character of the neighborhood and its particular suitability for this type of use.
- B. Inner courts shall not be permitted.
- C. Recreation areas for active or passive facilities shall be provided on the basis of setting aside areas equal to 15 percent of the total floor area devoted to individual dwelling units. Not less than 50 percent shall be situated in exterior open space.
- D. *(Repealed)*
- E. Where an apartment building is three (3) or more stories in height, at least one (1) elevator shall be provided for every 30 dwelling units or fraction thereof.
- F. No apartment development will take place in areas which are not served with both sanitary sewers and public water.
- G. Lighting facilities shall be required where deemed necessary for the safety and convenience of garden apartment residents. These facilities shall be arranged in a manner which will protect the highway and neighboring properties from unreasonable glare or hazardous interference of any kind.
- H. Provision for servicing apartments by refuse collection vehicles shall be provided with any trash accumulation area thoroughly screened from view.
- I. Provisions shall be made for safe and efficient ingress and egress to and from public streets and highways serving the garden apartment development which will minimize congestion and interference with normal traffic flow.

Section 707. Submission of Plans.

- A. The proposed apartment development shall be constructed in accordance with an overall plan and shall be designed as a single or common operating and maintenance unit.

- B. Four (4) copies of all plans shall be submitted to the Borough Zoning Officer who shall first determine whether or not they conform with all applicable ordinances, regulations and resolutions of the borough. These plans shall then be forwarded to the Borough Planning Commission for their consideration. The recommendations of the Zoning Officer and the Planning Commission together with the plans shall then be transmitted to Borough Council who shall have the power of final approval or disapproval.
- C. An architect's drawing showing the external appearance of the proposed building or buildings, with a certificate thereon, by the owner that the building will be constructed as to appearance in conformity with said drawing, shall be submitted with the plan.
- D. Plans submitted for approval shall show the layout of the total area, and shall include, inter alia, the following:
 - 1. The scale shall not be less than one (1) inch equals 50 feet, with contours at five (5) foot intervals and showing all topographical features, of total property owned.
 - 2. The location, use, plan, dimensions and height of each building, and the total gross floor area contemplated.
 - 3. The location, dimensions, and arrangement of all open spaces, yards, access ways, entrances, exits, off-street parking facilities, loading and unloading areas, pedestrian ways, width of streets and sidewalks.
 - 4. The capacity of all areas to be used for automobile access, parking, loading and unloading.
 - 5. Location, dimension and arrangements of all areas devoted to planting, lawns, trees and similar purposes.

[Amended: Ord. 672, 6/4/07, 705; Ord. 673, 6/4/07, 706.D]

ARTICLE VIII
C-1 – COMMERCIAL – CENTRAL BUSINESS DISTRICTS

Section 800. Legislative Intent.

The intent of the C-1 Commercial Business District is to:

- A. Allow consolidation of lots to support businesses that are growing and to accommodate new business location.
- B. Continue to allow a mix of retail, office, and high-density residential uses while discouraging strip-style commercial development which often requires incongruous architectural styles, excessive paved area, and numerous curb cuts.
- C. Encourage shared parking arrangements and safe and convenient pedestrian and vehicular connections between parking areas on adjoining lots, to minimize the number of curb cuts, create a safer pedestrian environment, and provide efficient and accessible off-street parking.
- D. Limit the impact of existing and new non-residential uses on existing residences and abutting residential districts by controlling the location and design of parking areas and requiring appropriate setbacks and buffer landscaping.

Section 801. Use Regulations.

- A. Class One – Uses Permitted By Right. The following uses are permitted by right provided no drive-through facilities are proposed.
 - 1. Multi-family residential conversions of existing single-family detached dwellings, not to exceed six (6) dwellings units per building, provided there is no external alteration of the building except as may be necessary for reasons of safety.
 - 2. Apartments on the second floor and above, in combined-use buildings containing one (1) or more non-residential permitted uses, not to exceed six (6) dwelling units in any building.
 - 3. Retail store for the sale of clothing, food, drugs, beverages, hardware, furnishings, antiques, baked goods, and other household supplies and/or similar goods.
 - 4. Business or professional offices.
 - 5. Personal service shop including but not limited to: barbershop and/or hairdresser, shoe repair, tailor, nail salon, tanning salon, dry cleaning (excluding on-site cleaning operations).
 - 6. Restaurant, café, bakery, or similar establishment, including walk-up windows.
 - 7. Studio for dance, art, music, photography, or similar establishment.
 - 8. Gallery or museum.
 - 9. Accessory use on the same lot with and customarily incidental to a permitted use.
 - 10. Any use of the same general character of a permitted use.
 - 11. Signs, pursuant to the standards in Article XI. Signs.
 - 12. Off-street parking and loading, pursuant to the standards in Article XII. Off-Street Parking and Loading.

- B. Class Two – Uses Permitted By Right. In addition to those uses permitted in §801.A. above, the following uses are permitted by right, provided that the lot has frontage on either Broad Street or County Line Road, and no drive-through facilities are proposed.
1. Bank or financial institution.
 2. Hotel, boutique hotel, or extended stay hotel.
 3. Bed and breakfast inn and bed and breakfast house.
 4. Laundromat.
 5. Publishing, job printing, or photocopying center.
 6. Convenience store, excluding fuel pumps.
 7. Outdoor dining area, subject to the standards of Section 1420 hereof.
 8. Municipal buildings, offices, and uses.
 9. Post office, library, community center, and offices for public utilities.
 10. Plaza, square, and courtyard.
 11. School, day care center, and other public or private educational institution.
- C. Class Three – Conditional Uses. In addition to those uses permitted in §801.A. and B. above, the following uses are permitted on a lot as conditional uses, provided that the lot has frontage on either Broad Street or County Line Road and all additional regulations are met.
1. Class 1 or Class 2 use with drive-through facilities.
 2. Carpentry, cabinetmaking, furniture repair and upholstery shop; roofing, heating, air conditioning, plumbing, or electrical repair shop; paperhanging and painting.
 3. Limited manufacturing, including assembly and finishing of small items such as jewelry, toys, crafts, ceramics, and eyewear.
 4. Animal hospital.
 5. Theater, including motion pictures and live performances.
 6. Event facility.
 7. Indoor sports facility, including but not limited to: bowling alley, racquet sports, health club.
 8. Tavern, bar, or nightclub.
 9. Funeral homes.
 10. Private clubs and fraternal organizations.
 11. Day spa.
 12. Sales agency for new or used automobiles, service or repair shop adjacent to and in conjunction with said sales agency.
 13. Gasoline filling stations.
 14. Automobile repair shop.
 15. Parking garage.

16. High-rise apartment building. The following accessory uses are permitted provided they are located only on the first floor and the total floor area of all accessory uses within a building does not exceed 10% of the gross leasable floor area of such building.
- a. Business or professional offices.
 - b. Convenience retail or personal service shop, including but not limited to: drug store, grocery store, barber shop or hairdresser.

D. Prohibited Uses. In addition to any use not expressly permitted above, the following uses are expressly prohibited.

1. Storage facilities or warehouses.
2. Adult entertainment uses.

Section 802. Dimensional Standards.

A	Dimensional Standards	Class 1 and Class 2 Uses	High-Rise Apartment Building	All Other Class 2 Uses
1	Minimum lot size (net square feet)	10,000 (plus an additional 3,000 per dwelling unit, if applicable)	1,800 per dwelling unit	20,000
2	Minimum lot width (feet)	50	150	100
3	Minimum front yard setback (feet)	None	None	None
4	Maximum front yard setback (feet)	Broad Street: 20 County Line Road: 30 All Other Roads: 30	Broad Street: 20 County Line Road: 30	Broad Street: 20 County Line Road: 30
4	Minimum side yard (feet)	15	25	15
5	Minimum rear yard (feet)	40	25	40
6	Minimum parking setback from the ultimate right-of-way of the street (feet)	15	15	15
7	Minimum parking setback from non-residential property lines (feet)	25	25	25
8	Minimum parking setback from residential use or zone (feet)	35	35	50
9	Minimum setback of outdoor loading and trash storage areas from abutting residential use or zone (feet)	100	100	100
10	Maximum building height (feet)	40, or 3 stories, whichever is less	65*	40, or 3 stories, whichever is less
11	Maximum building coverage (percent of net lot area)	40%	30%	40%
12	Maximum impervious surface (percent of net lot area)	70%	65%	70%

* If the apartment building exceeds 40 feet, the following dimensional adjustment shall be made:

- a. The front, side, and rear yard setback, and the required buffer area shall be increased one (1) foot for every one (1) foot by which the building exceeds 40 feet in height.
- b. The maximum permitted building area and impervious coverage limitations shall be decreased by ¼ of one (1) percent for every one (1) foot by which the building exceeds 40 feet in height.

Section 803. General Development Regulations.

A. All Uses

1. **Additional Regulations.** The provisions found in Article XIV. General Provisions shall apply where applicable.
2. **Lighting.** All exterior lighting shall be designed to prevent glare onto adjacent properties. Pedestrian pathways shall be clearly marked and well lit. Lighting should be sufficient for security and identification without allowing light to trespass onto adjacent sites. The height of fixtures shall be a maximum of 20 feet for parking lots and 14 feet for pedestrian walkways.
3. **Refuse and Service Areas.**
 - a. The storage of refuse shall be provided inside the building(s) or within an outdoor area enclosed by walls and/or opaque fencing at least six (6) feet in height. Any outdoor refuse area shall be designed to be architecturally compatible with the building(s) and shall not be located in front of any building.
 - b. Adequate areas for loading and unloading of delivery trucks or other vehicles shall be provided on-site and shall be adequately screened from neighboring properties.
4. **Pedestrian Circulation Standards.**
 - a. Sidewalks with a minimum width of eight (8) feet are required along all street frontages.
 - b. Sidewalks shall connect to existing sidewalks on abutting tracts and other nearby pedestrian destination points and transit stops.
 - c. All internal pedestrian walkways and crosswalks shall be distinguished from driving surfaces through the use of materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort.
5. **Building Design Standards.**
 - a. Any property with more than one building on the site shall have a common and coherent architectural theme throughout the development.
 - b. Principal buildings shall have clearly defined, highly visible customer entrances with features such as canopies, porticos, arches, and integral planters that incorporate landscaped areas and/or areas for sitting.
 - c. Building façades shall be interrupted at least once within every 100 horizontal feet, with offsets of four (4) or more feet in depth along any building façade facing a public street or public parking area. Offsets shall be continuous from grade to the roofline.
 - d. Building façades of 200 feet or more which face public streets or public parking areas shall, in addition to offsets, include other design elements to break up the façade, such as awnings, porches, canopies, towers, balconies, bays, changes in building materials, gables, and planted trellises.
 - e. Rooflines shall be varied to add visual interest, to reduce the scale of larger buildings, and to create consistency with buildings in the surrounding area.
 - f. All wall-mounted mechanical, electrical, communication and service equipment, including satellite dishes and vent pipes, shall be screened from public view by parapets, walls, fences, landscaping, or other approved means.
 - g. All rooftop mechanical equipment and other appurtenances, such as stairwells, air conditioning units, etc., shall be concealed by or integrated within the roof form or screened from view at ground level of nearby streets.

6. Parking Lot Design Standards.
 - a. No parking area shall be located between the ultimate right-of-way of the street and the building frontage.
 - b. All parking lots shall be landscaped and screened in accordance with the regulations of the Borough's Subdivision and Land Development Ordinance §418.6.
 - c. Each commercial use shall provide access easements for its parking aisles and driveways guaranteeing access to all abutting lots zoned C-1, unless the physical characteristics of the site(s) make such interconnections unfeasible. Parking areas on adjacent lots shall be directly connected by a shared driveway.
7. Buffer Area. A minimum landscaped buffer, pursuant to the Borough's Subdivision and Land Development Ordinance §418.5. Buffer Planting Requirements, shall be provided along all side and rear lot lines.

Section 804. Conditional Uses.

A. Sales Agency for New or Used Vehicles.

1. Vehicles shall not be displayed on above-ground platforms and shall be displayed to appear similar to customer parking.
2. Parking, storage, and/or display of vehicles or supplies shall be set back at least 25 feet from the curblines of the street.
3. No more than one-third (1/3) of the vehicles on display shall be visible from the street. Additional vehicles shall be screened using an opaque, landscaped screen composed of shrubs at least three (3) feet in height, a masonry or brick wall at least three (3) feet in height, and/or a similar screening device approved by Borough Council.
4. Streamers, festoon lighting, flashing lights, or animated signs are prohibited.
5. All repairs, maintenance, and service activities shall be conducted within a completely enclosed building.

B. High-Rise Apartment Building.

1. Building Separation. The horizontal distance between two (2) or more high-rise apartment buildings shall be 35 feet, or the height of the tallest building, whichever is greater.
2. Access Drives. Provision shall be made for the safe and efficient ingress and egress to and from public streets serving the apartment building(s) without undue congestion to or interference with normal traffic flow.

[Replaced: Ord. No. 15-718-01, 8/3/2015, entire article]

ARTICLE IX
C-2 – LIMITED COMMERCIAL/RESIDENTIAL DISTRICTS

Section 900. Legislative Intent.

The Limited Commercial/Residential District adjacent to Main Street and Board Street are historically residential areas that have become appropriate locations for limited, small-scale nonresidential uses as Route 113 has developed. The intent of the C-2 Limited Commercial/Residential District is to:

- A. Encourage the retention and reuse of existing buildings with historical value within the district, to maintain and enhance the character and streetscape of the borough.
- B. Encourage adaptive reuse of existing properties to bring them into conformity with permitted uses and the goals and objectives of the borough's prevailing economic development plans and initiatives.
- C. Allow a mix of residential, limited commercial and office uses in existing buildings in a manner which supports the economic development of the borough.
- D. Limit the impact of nonresidential uses and new development on existing residences by requiring a residential character, limiting the scale of buildings, controlling the location of parking areas and requiring buffer landscaping.
- E. Encourage shared parking arrangements and connections between parking areas on adjoining lots to minimize curb cuts and provide efficient and accessible parking.

Section 901. Uses.

- A. Class One – Uses Permitted By Right. The following uses are permitted in existing and proposed buildings:
 - 1. Single-family detached dwelling.
 - 2. Single-family semi-detached dwelling (twin).
 - 3. Two-family detached dwelling (duplex).
 - 4. Two-family semi-detached dwelling (triplex, quadruplex).
 - 5. Single-family attached dwelling (rowhouse, townhouse), not to exceed six (6) dwelling units attached in any configuration.
 - 6. Multifamily conversions of single-family detached dwellings, not to exceed six (6) dwelling units per building, provided that all applicable building and development code requirements can be met. A minimum of 3,000 square feet of lot area must be provided for each dwelling unit on the lot.
 - 7. Accessory use on the same lot with and customarily incidental to any of the foregoing permitted uses, as set forth in Section 1408.
 - 8. The following use is permitted provided the property has frontage on Main Street, Broad Street, Front Street, Lumber Street, Reliance Road, Second Street, or Washington Ave.
 - a. Outdoor dining area subject to the standards of Section 1420 hereof.

- B. Class Two – Uses Permitted By Right. The following uses are permitted, provided that they are conducted in an existing building. Existing buildings may be expanded or altered to accommodate the following uses, provided that new construction meets all applicable requirements.
1. Apartments, on the second floor and above, in combined-use buildings containing one or more nonresidential permitted uses, not to exceed six (6) dwelling units in any building.
 2. Small scale retail establishment for the sale of dry goods, variety and general merchandise, clothing, sporting goods, food, drugs, household supplies, beverages, hardware, furnishings, antiques, baked goods, greeting cards, plants and flowers, and the sale and/or repair of jewelry, watches, clocks, optical goods, electronics, musical, professional or scientific instruments.
 3. Business office, such as real estate sales, travel agency, insurance sales, advertising, or retail copying and printing services.
 4. Professional office, such as those for the practice of medicine or other health services, or for law, engineering, architecture or accounting.
 5. Personal service shop, such as barber, beauty salon, day spa, pet groomer, shoe repair, tailor, dressmaker, laundry or dry cleaner (provided that no cleaning operations are performed on the premises).
 6. Establishment serving food or beverages to the general public, such as a restaurant, café, retail bakery, deli, grill, confectionery or ice cream shop, including walk-up windows.
 7. Financial institution, such as a bank or savings and loan association, but excluding drive-through facilities.
 8. Studio for dance, music, fitness, art or photography.
 9. Gallery.
 10. Bed and breakfast inn and bed and breakfast house.
 11. Boutique hotel.
 12. Extended stay hotel.
 13. Government administration uses, post office, community center, public library, offices for public utilities, excluding penal and correctional facilities.
 14. Public park, plaza, square, courtyard, urban garden, and public recreation areas.
 15. Accessory use on the same lot with and customarily incidental to any of the foregoing permitted uses, as set forth in Section 1408.
- C. Class Three – Conditional Uses. The following uses are permitted on a lot as conditional uses, when conducted in either an existing or a proposed building; provided that the lot has frontage on Main Street, Broad Street, Chestnut Street or Reliance Road. Existing buildings may be expanded or altered and new buildings may be proposed to accommodate such uses, provided that new construction meets all applicable requirements.
1. All uses permitted in 901.B, above, when proposed to be located in a building not existing at the time of the passing of this Article.
 2. Tavern, bar or nightclub, provided that hours of operation and other conditions on use are agreed upon within input from the public through the borough's conditional use process.
 3. Theater or club provided entertainment such as plays, movies and live music, provided that hours of operation and other conditions on use are agreed upon with input from the public through the borough's conditional use process, and provided that the use is conducted within a building existing at the time of the passing of this Article.

4. Event facility available for use or rental for conferences, parties, weddings, and other events, provided that hours of operation and other conditions on use are agreed upon with input from the public through the borough's conditional use process, and provided that the use is conducted within a building existing at the time of the passing of this Article.
5. Indoor recreation facility such as bowling alley, skating rink or gymnasium, used for group or individual indoor sports, provided that hours of operation and other conditions on use are agreed upon with input from the public through the borough's conditional use process.
6. Undertaking establishment and funeral home.
7. School, day care center and other public or private educational institution.
8. Use determined by Borough Council to be of a similar nature to the uses permitted by right in Section 901.A.

D. Prohibited Uses. In addition to any use not expressly permitted above, the following uses shall not be permitted in this district under any circumstances.

1. Automobile and other motorized vehicle sales and service, including repair establishments, vehicle body repair, vehicle painting, and car wash facilities. Automobile parts and tires sales stores shall also be prohibited.
2. Gasoline service station and filling station.
3. Self-service storage facilities (mini-warehouse).
4. Animal kennels and animal day care facilities.
5. Adult uses.
6. Drive-through facilities.
7. Criminal and drug treatment centers, group homes, and transitional housing such as shelters.
8. Uses determined to be of a similar nature to the prohibited uses listed in this section.

Section 902. Dimensional Requirements.

Proposed development within this district shall meet the following dimensional requirements:

A. Single-family detached, two-family detached (duplex) and multifamily conversions:

1. Minimum lot area:
 - a. 6,000 square feet
 - b. 3,000 square feet per dwelling unit for multifamily conversions.
2. Minimum lot width: 50 feet at the building setback line.
3. Maximum building coverage: 45 percent of the net lot area.
4. Maximum impervious coverage: 55 percent of the net lot area.
5. Front yard setback: minimum ten (10) feet.
6. Side yard setbacks:
 - a. Minimum six (6) feet each side
 - b. Minimum 20 feet aggregate both sides
 - c. Minimum ten (10) feet each side for multifamily conversions.

7. Rear yard setback: minimum 20 feet.
 8. Maximum building height: 35 feet and three (3) stories.
- B. Single-family semi-detached (twin) and two-family semi-detached (triplex, quadruplex):
1. Minimum lot area: 4,000 square feet.
 2. Minimum lot width: 35 feet at the building setback line.
 3. Maximum building coverage: 45 percent of the net lot area.
 4. Maximum impervious coverage: 55 percent of the net lot area.
 5. Front yard setback: minimum ten (10) feet.
 6. Side yard setbacks: minimum 15 feet on the side of any unit not sharing a party wall with an adjacent unit.
 7. Rear yard setback: minimum 20 feet.
 8. Maximum building height: 35 feet and three (3) stories.
- C. Single-family attached (rowhouse, townhouse):
1. Minimum lot area: 2,400 square feet.
 2. Minimum lot width: 20 feet at the building setback line.
 3. Maximum building coverage: 60 percent of the net lot area.
 4. Maximum impervious coverage: 80 percent of the net lot area.
 5. Front yard setback: minimum ten (10) feet.
 6. Side yard setbacks: minimum 15 feet on the side of any unit not sharing a party wall with an adjacent unit.
 7. Rear yard setback: minimum 20 feet.
 8. Maximum building height: 35 feet and three (3) stories.
- D. Class Two nonresidential and combined-use:
1. Minimum lot area: 4,000 square feet.
 2. Minimum lot width: 25 feet at the building setback line.
 3. Maximum building coverage: 75 percent of the net lot area.
 4. Maximum impervious coverage: 90 percent of the net lot area.
 5. Front yard setback:
 - a. No minimum.
 - b. Maximum setback at least 50 percent of the front façade of the primary building shall be set back no more than 20 feet from the edge of the sidewalk, in order to maintain a continuous built edge consistent with the existing streetscape of the borough
 6. Side yard setbacks:
 - a. Minimum six (6) feet each side
 - b. Minimum 20 feet aggregate both sides.
 7. Rear yard setback: minimum 20 feet.

8. Minimum landscaped buffer: 15 feet at all property lines abutting residential properties.
 9. Maximum building height: 35 feet and three (3) stories.
 10. Maximum building footprint: 3,000 square feet.
- E. Class Three conditional nonresidential and combined-use:
1. Minimum lot area: 20,000 square feet.
 2. Minimum lot width: 50 feet at the building setback line.
 3. Maximum building coverage: 75 percent of the net lot area.
 4. Maximum impervious coverage: 90 percent of the net lot area.
 5. Front yard setback:
 - a. No minimum.
 - b. Maximum setback at least 50 percent of the front façade of the primary building shall be set back no more than 20 feet from the edge of the sidewalk, in order to maintain a continuous built edge consistent with the existing streetscape of the borough
 6. Side yard setbacks:
 - a. Minimum 15 feet each side
 - b. Minimum 30 feet aggregate both sides.
 7. Rear yard setback: minimum 40 feet.
 8. Minimum landscaped buffer: 30 feet at all property lines abutting residential properties (except where separated by a street or alley).
 9. Maximum building height: 35 feet and three (3) stories.
 10. Maximum building footprint: 6,000 square feet.

Section 903. Design Standards.

The following design standards shall apply to all proposed development within the district, in order to meet the objectives of this ordinance.

- A. Building Expansion and Alteration Standards for all Class One, Two, and Three Uses.
1. Existing principal buildings may be expanded, provided that the proposed development meets all applicable requirements and dimensional standards.
 2. Building additions and expansions are encouraged to be located to the side or rear of an existing principal building, in order to better maintain the historic streetscape and character of the district. If a building must be expanded in the front, for example, in order to create a viable space for commercial use, then the design shall adhere to the guidelines in Section 903, herein.
 3. Front facades of buildings shall retain their original character. If a front façade has already been altered prior to the passing of this Article, the applicant shall demonstrate that the proposed alteration will restore the front façade to its original character or otherwise improve its appearance.
 4. Front porches may be enclosed, provided that large glass areas are used to retain the appearance of the porch. At least 50 percent of all facades of an enclosed porch must contain clear glass window and door openings.
 5. The first floor of the front façade of any building must maintain at least 40 percent clear glass window and door openings.

6. If the primary door of a principal building is located in the front façade, it must remain in the front façade.
 7. Building expansion shall be consistent with the existing building's bulk, scale, style, character, proportions, materials, window and door openings, detailing, and rooflines, or it shall be demonstrably consistent with other original or historic structures within the district.
 8. Building materials used to modify or upgrade the windows, doors, facades and/or roof shall be consistent with the existing architectural character of the district.
 9. Documentation for Comparison. As part of an application for a building permit within the district, the applicant shall provide photographs of original details of the existing building being added onto, and/or original details of other existing buildings built before 1950 within the district, sufficient for comparison with the proposed building addition or alteration, in order to demonstrate consistency with existing development as required above. Scaled drawings depicting all facades of the proposed addition or alteration shall also be provided.
- B. Design Standards for New Principal Buildings. All new principal buildings shall comply with the standards of this section.
1. The architectural characteristics of all proposed new buildings shall reflect the historical multistory residential characteristics of existing buildings in the district, including bulk, scale, style, character, proportions, materials, window and door openings, detailing, porches and rooflines.
 2. Minimum height shall be one and one-half stories. Half stories shall be articulated with dormers and gable-end window openings.
 3. Roofs are encouraged to be pitched and to include dormers or other variations. Flat and low-pitched roofs shall have a parapet wall or a decorative cornice that compliments the style of the building.
 4. Buildings with footprints greater than 4,000 square feet shall include variations in the façade and rooflines, to give the appearance of multiple smaller buildings attached together.
 5. New residential buildings are required to have a front porch or covered stoop.
 6. Building entrances for everyday use shall be visible and accessible from a network of street sidewalks, sidewalks into parking areas, and walkways or courtyards between buildings. Main entrances shall be emphasized by appropriate building articulation that includes an area covered by a roof, such as a porch. If parking is located to the rear of the lot, the building shall include an entrance on both the front and the rear facades. Corner properties may have just one entrance oriented toward the corner.
 7. Building materials shall be consistent with architectural heritage of the borough. At least 50 percent of each façade shall be clad with brick, stone, clapboards, shingles or shakes.
 8. Side and rear building facades shall be constructed of materials similar to and compatible with the character, color scheme and architectural features of the building's front façade.
 9. Documentation for Comparison. As part of an application for a building permit within the district, the applicant shall provide photographs of original details of existing buildings built before 1950 within the district, sufficient for comparison with the proposed building, in order to demonstrate consistency with existing development as required above. Scaled drawings depicting all facades of the proposed building shall also be provided.
 10. All new principal buildings are required to follow the procedures for a conditional use application. Borough Council is authorized to grant zoning approval when it is satisfied that the proposed new principal building conforms sufficiently to the documented characteristics of existing principal buildings within the district and to all other applicable requirements.

Section 904. General Regulations.

- A. Exterior Lighting. All exterior lighting shall be designed to prevent glare onto adjacent properties. Lighting should be sufficient for safety, security and identification without allowing light to trespass onto adjacent properties.
- B. Refuse Areas. The storage of refuse shall be provided inside the building(s) or within an outdoor area fully enclosed by either walls or opaque fencing with a self-closing/self-latching gate. Any refuse area outside of the building shall be designed to be architecturally compatible with the building(s) or with exterior fencing on the property, shall not be located in the front of the building, and shall be entirely screened by a fence or enclosure at least six (6) feet high.
- C. Mechanical/HVAC Screening. All exterior mechanical and utility equipment located on the wall, roof and/or on the ground shall be concealed by a screen when visible from the public realm or from residential areas. All roof-mounted mechanical and utility equipment shall be screened on all sides (360°) by incorporating screening into the roof structure, utilizing materials compatible with the supporting building. The borough can require additional screening or sound attenuation if necessary.
- D. Parking Location. Parking shall be provided to the rear of lots. Parking shall not be permitted within the front yard or between the front façade of any building and the street. Pedestrian walkways shall be provided between parking areas and building entrances.
- E. Parking Screening. Nonresidential parking areas shall be screened at property lines adjacent to residential uses with a solid, opaque fence six (6) feet in height. Fences shall be the same on both sides (“good neighbor” fencing) or shall be oriented so that the posts and other structure members face the parking area. A minimum 6-foot planting area shall be provide between the parking area and the fence, and vines, upright shrubs and other plantings shall be provided on the parking lot side. Alternatively, an applicant may present a plan to build a brick or stone wall or raised planting bed (minimum 30” in height), topped with a solid fence and planted with vegetation sufficient to provided total screening to the adjacent residential neighbors. If parking areas are visible from any street or alley frontage, then plantings, fencing or a combination of the two, shall be provided to maintain the street edge and buffer views of parked cars.
- F. Landscaping. All nonresidential developments are required to include a planting area between the building and the sidewalk. Landscaped areas must include plantings at least two (2) feet in height, which may include shrubs or trees. Flowering plants are encouraged. If a building is less than four (4) feet from the sidewalk edge, then the applicant may extend the paved area in front of the building to meet the sidewalk as an alternative to a landscape strip, provided that plant materials are installed in raised planters, window boxes, hanging baskets or similar containers. At least one planting container shall be included for every 12 linear feet of front façade. Locations of required planting areas and planting containers shall be shown generally on the land development plan.

[Replaced: Ord. 692, 6/7/2010, entire article]

ARTICLE X
LI – LIMITED INDUSTRIAL DISTRICTS

Section 1000. Applicability of Regulations.

In LI Limited Industrial Districts, the following regulations shall apply.

Section 1001. Use Regulations.

A building may be erected, altered or used and a lot may be used or occupied for any lawful industrial purposes as well as any commercial use permitted in the C-1 and C-2 Districts provided such commercial use and building shall conform to the regulations provided in the C-1 and C-2 Districts, except that the following uses shall not be permitted:

Abattoirs, poultry killing establishment Acetylene gas manufacture
Acid manufacture
Ammonia, bleaching power or chlorine manufacture Arsenal
Asphalt manufacture or refining
Automobile junk or wrecking yard, scrap yard, recycling or reclamation facility Candle manufacture
Celluloid manufacture Coke ovens
Creosote treatment or manufacture Disinfectants manufacture Distillation of bones, coal or wood Dyestuff manufacture
Emery cloth and sandpaper manufacture Extermination and insect poison manufacture Fat rendering
Fertilizer manufacture
Fireworks or explosive manufacture or storage Fish smoking or curing
Glue, size or gelatin manufacture Lamp black manufacture
Oil cloth or linoleum manufacture Oiled or rubber goods manufacture Ore reduction
Paint, oil, shellac, turpentine or varnish manufacture Petroleum refining or storage
Plating works Potash works
Power forge (riveting, hammering, punching, chipping, drawing, rolling or tumbling of iron, steel, brass or copper, except as necessary incident of manufacture of which these processes for a minor part, and which are carried on without objectionable noise outside the plant)
Printing ink manufacture Pyroxylin manufacture
Rubber, caoutchouc or gutta percha manufacture or treatment Salt works
Sauerkraut manufacture Shoe blacking manufacture
Soda and compound manufacture
Stock yards
Stove polish manufacture
Sulfuric, nitric or hydrochloric acid manufacture Tallow, grease or lard manufacture or refining
Tanning, curing or storage of leather, rawhides or skins Tar distillation or manufacture
Tar roofing or waterproofing manufacture Vinegar manufacture
Wool pulling or scouring Yeast plant
Any use which may be so noxious or offensive by reason of the emission of odor, dust, fumes, smoke, gas, vibration or noise, as to constitute a nuisance

Section 1002. Smoke Control.

No smoke shall be emitted from any chimney or other source a visible gray greater than No. 1 on the Ringlemann Smoke Chart as published by the U.S. Bureau of Mines; smoke of a shade not darker than No. 2 on the Ringlemann Chart may be emitted for not more than 4 minutes in any 30 minutes.

Section 1003. Control of Dust and Dirt, Fly Ash, and Fumes, Vapors and Gases.

No emission shall be made which can cause any damage to health, to animals or vegetation or other forms of property, or which can cause any excessive soiling at any point.

- A. No emission of liquid or solid particles from any chimney or otherwise shall exceed 0.3 grains per cubic foot of the covering gas at any point.
- B. For measurement of the amount of particles in gases resulting from combustion, standard correction shall be applied to a stack temperature of 500 degrees Fahrenheit and 50 percent excess air.

Section 1004. Control of Noise.

At no point on the boundary of a residential or business district shall the sound pressure level of any operation exceed the described levels in the designated octave bands shown below for the districts indicated.

SOUND LEVELS		
	Along Residential District Boundaries	At Any Other Point on the Lot Boundary
Octave Band in Cycle per Second	Maximum Permitted Sound Level in Decibels	Maximum Permitted Sound Level in Decibels
0 to 75	72	79
75 to 150	67	74
150 to 300	59	66
300 to 600	62	59
600 to 1200	46	53
1200 to 2400	40	47
2400 to 4800	34	41
Above 4800	32	39

Section 1005. Control of Odors.

There shall be no emission of odorous gases or other odorous matter in such quantities as to be offensive at lot boundary line. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system so that control will be maintained if the primary safeguard systems shall fail. There is hereby established a guide in determining such quantities of offensive odors Table III (Odor Threshold) in Chapter 5, "Air Pollution Abatement manual," copyright 1951 by Manufacturing Chemists Association, Inc., Washington DC.

Section 1006. Control of Glare or Heat.

Any operation producing intense glare or heat shall be performed within an enclosed building or behind a solid fence in such manner as to be completely imperceptible from any point beyond the lot lines.

Section 1007. Control of Vibration.

No vibration which is discernible to the human sense of feeling shall be perceptible without instruments at any point beyond the lot line.

Section 1008. Outdoor Storage and Waste Disposal.

- A. No flammable or explosive liquids, solids or gases shall be stored in bulk above ground; provided, however, that tanks or drums of fuel directly connecting with energy devices, heating devices or appliances located on the same lot as the tanks or drums of fuel are excluded from this provision.

- B. All outdoor storage facilities for fuel, raw materials and products and all fuel; and all raw materials and products stored outdoors shall be enclosed by a fence adequate to conceal the facilities from any adjacent properties.
- C. No materials or waste shall be deposited upon a lot in such form or manner that may be transferred off the lot by natural causes or forces.
- D. All materials or wastes which might cause fumes or dust or which constitute a fire hazard or which may be edible or otherwise be attractive to rodents or insects shall be stored outdoor only in closed containers.

Section 1009. Electric, Diesel, or Gas or Other Power.

Every use requiring power shall be so operated that the service lines, substation, etc., shall conform to the most acceptable safety requirements recognized by the Pennsylvania Bureau of Labor and Industry, shall be so constructed, installed, etc., to be an integral part of the architectural features of the plant, or if visible from abutting residential properties shall be concealed by coniferous planting.

Section 1010. Height Regulations.

The maximum height of any building or structure erected or enlarged in this district shall be 35 feet except that the height of any such other building or other structure may be increased to a maximum of 65 feet or such increase height as may be authorized as a special exception for such structures as water towers, chimneys, stacks, radio antennae and transmission towers provided that for every foot of height in excess of 35 feet there shall be added to each yard requirements one (1) additional foot.

Section 1011. Yard and Coverage Regulations.

- A. Front Yard. The required minimum front yard shall be not less than 13 feet in depth from the ultimate right-of-way line.
- B. Side Yards:
 - 1. All interior lots shall have two (2) side yards each having a width of not less than 10 feet.
 - 2. On each corner lot there shall be abutting the street a side yard having a width of not less than 13 feet from the ultimate right-of-way line and an opposite yard having a width of not less than 15 feet.
- C. Rear Yard. There shall be a rear yard on each lot the depth of which shall not be less than 20 feet.
- D. Building Area. Not more than 50 percent of the area of any lot shall be occupied by buildings.

Section 1012. Exceptions for Side and Rear Yards.

In no case shall any building or structure be erected closer than 200 feet to any residential district or existing residential development nor any parking area closer than 100 feet to any residential district or existing residential development.

[Amended: Ord. 571, 8/3/1992, Sect. 1011; Ord. 673, 6/4/07, 1012 (pertaining to buffers only)]

ARTICLE XI SIGNS

Section 1100. Applicability of Regulations.

The following regulations shall apply to all signs erected, altered, or maintained after the effective date of this Article.

Section 1101. Intent.

It is the intent of this Article to regulate all signs within the Borough of Souderton to ensure that they are appropriate for their respective uses and in keeping with the appearance of the affected property and surrounding environment and to protect the public health, safety, morals and general welfare. In addition, the intent of this Article is to:

- A. Encourage good sign design in the context of the overall image and visual environment of the borough.
- B. Enhance the appearance of the business community taking into account the nature of the use and thus stimulate as well as protect the economic vitality of the borough.
- C. Provide for signage which is adequate but not excessive and which displays a message through use of pictures, symbols and logos for rapid comprehension by the public.
- D. Prohibit the erection of signs in such numbers, sizes, designs, and locations as may create a hazard to pedestrian and motorists.
- E. Avoid excessive competition for large or multiple signs, so that permitted signs provide adequate identification and direction while minimizing clutter, unsightliness and confusion.
- F. Allow for the coordination of signs to reflect the character of the architecture, landscape and visual themes that the borough is supporting.
- G. Promote signs which are designed utilizing clear, crisp lettering and bold, uncomplicated symbols, which identify a business or activity efficiently and also enhance the area where they are located as well as the general appearance of the street.
- H. Prevent sign overload and excessively large signs, which create a visually chaotic and competitive situation within the business community.

Section 1102. Definitions.

As used in this Article, the following terms have the meanings indicated, unless otherwise expressly stated:

ABANDONED SIGN – A sign which has not identified or advertised a current business, service, owner, product, or activity for a period of at least 180 days for off-premises signs, or at least 360 days for on-premises signs.

ADDRESS SIGN – A sign that designates the street number and/or street name for identification purposes, as designated by the United States Postal Service (also known as: NAMEPLATE SIGN).

ANIMATED SIGN – A sign depicting action, motion, or light or color changes through electrical or mechanical means.

AWNING – A cloth, plastic, or other nonstructural covering that projects from a wall for the purpose of shielding a doorway or window. An awning is either permanently attached to a building or can be raised or retracted to a position against the building when not in use.

AWNING SIGN – A sign painted on, printed on, or applied to an awning.

BALLOON SIGN - A lighter-than-air, gas-filled balloon, tethered in a fixed location, which contains an advertisement message on its surface or attached to the balloon in any manner.

BANNER – Any cloth, bunting, plastic, paper, or similar non-rigid material attached to any structure, staff, pole, rope, wire, or framing which is anchored on two or more edges or at all four corners. Banners are temporary in nature and do not include flags.

BEACON LIGHTING – Any source of electric light, whether portable or fixed, the primary purpose of which is to cast a concentrated beam of light generally skyward as a means of attracting attention to its location rather than to illuminate any particular sign, structure, or other object.

BOX SIGN – A sign that is self-enclosed in a typically square or rectangular structure with enough internal depth to accommodate lighting. Box signs may be single or double faced.

BUILDING FRONTAGE – The maximum linear width of a building measured in a single straight line parallel, or essentially parallel, with the abutting a street or parking lot.

CANOPY – A multi-sided overhead structure or architectural projection supported by attachments to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points.

CANOPY SIGN – Any sign that is part of, or attached to a canopy.

CHANGEABLE COPY SIGN – A sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means, or manually through placement of letters or symbols on a panel mounted in or on a track system. The two types of changeable-copy signs are **MANUAL CHANGEABLE COPY SIGNS** and **ELECTRONIC CHANGEABLE COPY SIGNS**, which include: **MESSAGE CENTER SIGNS** and **DIGITAL DISPLAYS**.

CHANNEL LETTER SIGN – A sign consisting of fabricated or formed three-dimensional letters, individually applied to a wall, which may accommodate a light source.

CLEARANCE – The distance above the walkway, or other surface if specified, to the bottom edge of a sign. This term can also refer to a horizontal distance between two objects.

CURB (OR SIDEWALK) SIGN – A type of freestanding, portable sign consisting of two faces whose message is targeted at pedestrians.

DIGITAL DISPLAY – The portion of a sign message made up of internally illuminated components capable of changing the message periodically. Digital displays may include but are not limited to LCD, LED, or plasma screens.

DIRECTIONAL SIGN – A sign designed to provide direction to pedestrian and/or vehicular traffic into and out of a site, or providing direction to individual amenities or buildings within a site.

EXTERNAL ILLUMINATION – Artificial light, located away from the sign, which lights the sign, the source of which may or may not be visible to persons viewing the sign from any street, sidewalk, or adjacent property.

FESTOON LIGHTING – A type of illumination comprised of a group of incandescent light bulbs hung or strung overhead or on a building or other structure.

FLAG – Any sign printed or painted on cloth, plastic, canvas, or other like material with distinctive colors, patterns, or symbols attached to a pole or staff and anchored along only one edge or supported or anchored at only two corners. For the purposes of this Article, this definition shall include “feather flags” and “flutter flags.”

FLASHING SIGN – A sign whose artificial illumination is not kept constant in intensity at all times when in use and which exhibits changes in light, color, direction, or animation. This definition does not include electronic message center signs or digital displays that meet the requirements set forth herein.

FOOT-CANDLE – A unit of incident light (on a surface) stated in lumens per square foot and measurable with an illuminance meter, or light meter. One foot-candle is equal to one lumen per square foot.

FOOT-LAMBERT – A unit of emitted light (from a surface) stated in lumens per square foot and measurable with an illuminance meter, or light meter. One foot-lambert is equal to one lumen per square foot.

FREESTANDING SIGN – A sign supported by structure or supports that are placed on, or anchored in, the ground; and that is independent and detached from any building or other structure. The following are subtypes of freestanding signs:

GAS STATION CANOPY – A freestanding, open-air structure constructed for the purpose of shielding service station islands and users from the elements.

GAS STATION CANOPY SIGN – Any sign that is part of, or attached to, the vertical sides of the gas station canopy roof structure. For the purposes of this Article, gas station canopy signs shall be considered wall signs.

GOVERNMENT/REGULATORY SIGN – Any sign for the control of traffic or for identification purposes, street signs, warning signs, railroad crossing signs, and signs of public service companies indicating danger or construction, which are erected by or at the order of a public officer, employee, or agent thereof, in the discharge of official duties.

GROUND SIGN – A sign permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a pole or attached to any part of a building (also known as **MONUMENT SIGN**).

HISTORIC DISTRICT – A district or zone designated by a local, state, or federal government, within which buildings, structures, and/or appurtenances are deemed important because of their association with history, or because of their unique architectural style and scale.

HOLIDAY DECORATIONS – Signs or displays including lighting, which are a non-permanent installation celebrating national, state, and local holidays, religious or cultural holidays, or other holiday seasons (also known as **SEASONAL DECORATIONS**).

ILLUMINATED SIGN – A sign with electrical equipment installed for illumination, either internally illuminated through its sign face by a light source contained inside the sign, or externally illuminated by a light source aimed at its surface.

ILLUMINATION – A source of any artificial or reflected light, either directly from a source of light incorporated in, or directly from, an artificial source.

INCIDENTAL SIGN – A sign that displays general site information, instructions, directives, or restrictions that are primarily oriented to pedestrians and motor vehicle operators who have entered a property from a public street. These signs shall not contain any commercial advertising.

INCIDENTAL WINDOW SIGN – Signs displayed in the window displaying information such as the business' hours of operation, credit institutions accepted, commercial and civic affiliations, and similar information. These signs shall be information only and shall not contain a commercial message.

INFLATABLE SIGN – A sign that is an air-inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or structure and equipped with a portable blower motor that provides a constant flow of air into the device.

INTERACTIVE SIGN – An electronic or animated sign that reacts to the behavior or electronic signals of motor vehicle drivers.

INTERNAL ILLUMINATION – A light source that is concealed or contained within the sign and becomes visible in darkness through a translucent surface. Message center signs, digital displays, and sign incorporating neon lighting shall not be considered internal illumination for the purposes of this Article.

LEGIBILITY – The physical attributes of a sign that allow for an observer's differentiation of its letters, words, numbers, or graphics.

LIGHT TRESPASS – Light emitted by a lighting installation, which extends beyond the boundaries of the property on which the installation is sited.

LIMITED DURATION SIGN – A non-permanent sign that is displayed on private property for more than 30 days, but is not intended to be displayed for an indefinite period of time.

LUMINANCE – An objective measurement of the brightness of illumination, including illumination emitted by an electronic sign, measured in candles per square foot (cd/ft²).

MANUAL CHANGEABLE COPY SIGN – A sign or portion thereof on which the copy or symbols are changed manually through placement or drawing of letters or symbols on a sign face.

MARQUEE – A permanent structure, other than a roof or canopy, attached to, supported by, and projecting from a building and providing protection from the elements.

MARQUEE SIGN – Any sign attached to a marquee for the purpose of identifying a use or product. If attached to a theater, performing arts center, cinema, or other similar use, it may also advertise films or productions.

MECHANICAL MOVEMENT SIGN – A sign having parts that physically move rather than merely appear to move as might be found in a digital display. The physical movement may be activated electronically or by another means, but shall not include wind-activated movement such as used for banners or flags. Mechanical movement signs do not include digital signs that have changeable, programmable displays.

MEMORIAL SIGN – A memorial plaque or tablet, including grave markers or other remembrances of persons or events, which is not used for a commercial message.

MENU SIGN – A permanent sign for displaying the bill of fare available at a restaurant or other use serving food or beverages.

MESSAGE CENTER SIGN – A type of illuminated, changeable copy sign that consists of electronically changing alphanumeric text often used for gas price display signs and athletic scoreboards.

MESSAGE SEQUENCING – The spreading of one message across more than one sign structure.

MULTI-TENANT SIGN – A freestanding sign used to advertise businesses that occupy a shopping center or complex with multiple tenants.

MURAL – Artwork applied to the façade of a building generally for the purposes of decoration or artistic expression, including, but not limited to, painting, fresco, or mosaic. Murals shall not contain commercial messaging or commercial symbology.

NEON SIGN – A sign illuminated by a neon tube, or other visible light-emanating gas tube, that is bent to form letters, symbols, or other graphics.

NITS – A unit of measurement of luminance used primarily to indicate a digital display’s brightness. One nit is equal to one candela per square meter (1 cd/m²).

NONCONFORMING SIGN – A sign that was legally erected and maintained prior to the effective date of this Article, or any subsequent amendment hereto, that does not currently comply with the provisions of this Article.

OFF-PREMISES SIGN – An outdoor sign whose message directs attention to a specific business, product, service, event or activity, or other commercial or noncommercial activity, or contains a non-commercial message about something that is sold, produced, manufactured, furnished, or conducted elsewhere than on the premises upon which the sign is located (also known as BILLBOARD).

OFFICIAL TRAFFIC SIGN – Official highway route number signs, street name signs, directional signs, and other traffic signs erected and maintained on public highways and roads in the interest of public safety or for the regulation of traffic.

ON-PREMISES SIGN – A sign whose message and design relate to an individual business, profession, product, service, event, point of view, or other commercial or non-commercial activity which is sold, offered, or conducted on the premises upon which the sign is located.

PENNANT SIGN – A triangular or irregular piece of fabric or other material, commonly attached in strings or strands, or supported on small poles intended to flap in the wind.

PERMANENT SIGN – A sign attached or affixed to a building, window, or structure, or to the ground in a manner that enables the sign to resist environmental loads, such as wind, and that precludes ready removal or movement of the sign and whose intended use appears to be indefinite.

PERSONAL EXPRESSION SIGN – An on-premises sign that expresses an opinion, interest, position, or other non-commercial message.

POLE SIGN – A freestanding sign that is permanently supported in a fixed location by a structure of one or more poles, posts, uprights, or braces from the ground and not supported by a building or a base structure.

PRIVATE DRIVE SIGN – A sign indicating a street or drive which is not publicly owned and maintained and used only for access by the occupants of the development and their guests.

PROJECTING SIGN – A building-mounted, double-sided sign with the two faces generally perpendicular to the building wall, not to include signs located on a canopy, awning, or marquee (also known as **BLADE SIGN**).

PROJECTION SIGN – A sign created by projecting an image on a surface using lighting that is stationary and constant in intensity and color at all times and which may use stencils, photographic images, or other visual media or technology to project the image.

PUBLIC SIGN – A sign erected or required by government agencies or utilities, including traffic, utility, safety, railroad crossing, and identification signs for public facilities.

REFLECTIVE SIGN – A sign containing any material or device, including paint, which has the effect of intensifying reflected light.

REVOLVING SIGN – A sign which revolves in a circular motion rather than remaining stationary on its supporting structure.

ROOF SIGN – A building-mounted sign erected upon, against, or over the roof of a building.

SCOREBOARD – A sign contained within an athletic venue and intended solely to provide information to the attendees of an athletic event.

SECURITY SIGN – An on-premises sign regulating the use of the premises, such as a “no trespassing,” “no hunting,” or “no soliciting” sign (also known as **WARNING SIGN**).

SHIELDED – The description of a luminaire from which no direct glare is visible at normal viewing angles, by virtue of its being properly aimed, oriented, and located any properly fitted with such devices as shields, barn doors, baffles, louvers, skirts, or visors.

SIGN – Any device, structure, fixture, painting, emblem, or visual that uses words, graphics, colors, illumination, symbols, numbers, or letters for the purpose of communicating a message. Sign includes the sign faces as well as any sign supporting structure.

SIGN AREA – The total dimensions of a sign surface used to display information, messages, advertising, logos, or symbols. See Section 1105.C. for standards for measuring sign area.

SIGN FACE – The part of the sign that is, or can be used, for the sign area. The sign area can be smaller than the sign face.

SIGN HEIGHT – The vertical dimension of a sign as measured using the standards in Section 1105.D.

SIGN SUPPORTING STRUCTURE – The poles, posts, walls, frames, brackets, or other supports that hold a sign in place.

SNIPE SIGN – A sign tacked, nailed, posted, pasted, glued, or otherwise affixed to a tree, pole, stake, fence, public bench, streetlight, or other object, or placed on any public property or in the public right-of-way or on any private property without the permission of the property owner (also known as **BANDIT SIGN**).

STOREFRONT – The exterior façade of a building housing a commercial use visible from a street, sidewalk, or other pedestrian way accessible to the public and containing the primary entrance to the commercial establishment.

STREAMERS – A display made of lightweight, flexible materials, consisting of long, narrow, wavy strips hung individually or in a series, with or without a logo or advertising message printed or painted on them and typically designed to move in the wind.

STREET FRONTAGE – The side or sides of a lot abutting on a public street or right-of-way.

STREET POLE BANNER – A banner suspended above a public sidewalk and attached to a single street pole. These signs shall not contain any commercial advertising.

TEMPORARY SIGN – A type of non-permanent sign that is located on private property that can be displayed for no more than 30 consecutive days at any one time.

UNDER CANOPY SIGN – A sign which is mounted entirely under a canopy or the roof of a covered walkway or pedestrian arcade.

VEHICULAR SIGN – Any vehicle to which a sign is affixed in such a manner that the carrying of such sign or signs is used primarily as stationary advertisement for the business on which the vehicle sits or is otherwise not incidental to the vehicle’s primary purpose.

VENDING MACHINE SIGN – A sign displayed on a vending machine indicating the name of the product being sold and/or the price of such product.

WALL SIGN – A building-mounted sign which is either attached to, displayed on, or painted on an exterior wall in a manner parallel with the wall surface. A sign installed on a false or mansard roof is also considered a wall sign. Also known as: FASCIA SIGN, PARALLEL WALL SIGN, or BAND SIGN.

WINDOW SIGN – A sign that is applied, painted, or affixed to a window, or placed inside a window, within 3 feet of the glass, facing the outside of the building, and easily seen from the outside. Customary displays of merchandise or objects and material without lettering behind a store window are not considered signs.

Section 1103. Prohibited Signs.

It shall be unlawful, upon or after the effective date of this Article or any amendment thereto, for any person, firm or corporation to erect any of the following signs within the Borough of Souderton:

- A. Abandoned signs.
- B. Any sign that imitates, resembles, interferes with, or obstructs official traffic lights, signs, or signals.
- C. Signs erected without the permission of the property owner or authorized agent, with the exception of those authorized or required by local, state, or federal government.
- D. Signs that create a hazard by obstructing the clear view of vehicles and pedestrian traffic.
- E. [reserved]
- F. Animated signs, flashing signs, or signs that scroll or flash text or graphics.
- G. Any sign that prevents free ingress or egress from any door, window, fire escape or other exit-way, or that prevents free access from one part of a roof to any other part. No sign other than a safety sign shall be attached to a standpipe or fire escape.
- H. Vehicular Signs. This regulation does not include the use of business logos, identification or advertising on vehicles primarily and actively used for business purposes and/or personal transportation.

- I. Signs that exhibit statements, words or pictures of obscene or pornographic subjects as determined by the borough.
- J. Mechanical movement signs, including revolving signs.
- K. Roof signs.
- L. Projecting V-shaped signs.
- M. Snipe Signs. Signs shall only be attached to utility poles in conformance with state and utility regulations and the requirements of this Article.
- N. Pennant strings and streamers.
- O. Inflatable devices or balloon signs, with the exception of balloons used in temporary, non-commercial situations.
- P. Signs which emit smoke, visible vapors, particulate matter, sound, odor, or contain open flames.
- Q. Reflective signs or signs containing mirrors.
- R. Interactive signs.
- S. Any banner or sign of any type suspended across a public street, without the permission of the owner of the property and roadway.
- T. Any sign containing information which states or implies that a property may be used for any purpose not permitted under the provisions of the Borough Zoning Ordinance.
- U. Any sign that promotes illegal activity.
- V. Off-Premises Signs. Note: this prohibition is possible because off-premises signs are permitted in other municipalities within the Indian Valley Region.

Section 1104. Signs Exempt from Permit Requirements.

The following signs shall be allowed without a sign permit and shall not be included in the determination of the type, number, or area of permanent signs allowed within a zoning district, provided such signs comply with the regulations in this section, if any.

- A. Official traffic signs and public signs.
- B. Government/regulatory signs.
- C. Legal notices of a governmental agency.
- D. Directional signs provided they do not contain any commercial messaging, up to 4 square feet in area and 5 feet in height. Directional signs shall be non-illuminated.
- E. Memorial signs, public monument, plaque or historic identification marker erected by a government agency.
- F. Address or nameplate signs: One (1) sign per property provided that the sign shall be non-illuminated and shall not exceed 2 square feet in area.
- G. Security and warning signs, not exceeding one square foot in area. These limitations shall not apply to the posting of conventional “no trespassing” signs in accordance with state law.
- H. Public service and information signs advertising the availability of public restrooms, telephones or similar public conveniences, not exceeding 3 square feet in area.
- I. Menus and signs indicating business hours provided sign shall not exceed 2 square feet and that signs shall be located in a permanently-mounted display box on the façade of the building adjacent to the entrance, displayed within a window adjacent to the entrance, or at a podium that will be placed inside the restaurant upon closing.

- J. Personal expression signs of any sign type, including flags, provided that they do not exceed 4 square feet in area per side, are non-commercial in nature, and are not illuminated.
- K. Signs inside a building, or other enclosed facility, which are not meant to be viewed from the outside, and are located greater than 3 feet from the window.
- L. Holiday and seasonal decorations.
- M. Signs or emblems of a religious, civil, philanthropic, historical, or educational organization that do not exceed 4 square feet in area.
- N. Private drive signs: One sign per driveway entrance, not to exceed 2 square feet in area.
- O. Flags.
 - 1. Location: Flags and flagpoles shall not be located within any right-of-way.
 - 2. Size and Number.
 - a. Residential Zoning Districts: The following standards shall apply to flags located in the R-1, R-2, R-3, and GA residential zoning districts.
 - i. A maximum of two flags, up to 24 square feet in area and 20 feet in height, are permitted per property, provided there is a minimum spacing of 50 feet between all flags on the property.
 - b. Non-Residential Zoning Districts: The following standards shall apply to flags located in all other zoning districts.
 - i. A maximum of three flags, up to 35 square feet in area and 20 feet in height, are permitted per property, provided there is a minimum spacing of 50 feet between all flags on the property.
 - 3. Flags containing commercial messages may be used as permitted freestanding or projecting signs. If so used, the area of the flag shall be included in, and limited by, the computation of allowable area for signs on the property.
 - a. Hours of Display.
 - i. Flags advertising a business (including feather flags) shall not be displayed on any premises before 6:00 AM and shall be removed each day at or before 10:00 PM. In addition, all feather flags must be taken indoors during hours of non-operation of the business being advertised.
 - ii. All business flags must be taken indoors during inclement weather.
 - 4. Flags up to 3 square feet in area located on private property and containing non-commercial messages are considered personal expression signs and are regulated in accordance with Section 1104.J.
- P. Vending machine signs.
- Q. Signs which are a permanent architectural feature of a building or structure, existing at the time of adoption of this Article.
- R. Incidental signs, including incidental window signs.
- S. Art, excluding murals, provided such signs do not contain any commercial messaging.
- T. Signs incorporating beacon and/or festoon lighting. Signs incorporating beacon and/or festoon lighting may be displayed up to a maximum of seven consecutive days, two times per calendar year.
- U. Temporary signs, in accordance with Section 1106.D.

V. Street pole banner signs, in accordance with Section 1106.G.

Section 1105. General Regulations.

A. Sign Location.

1. No sign shall be placed in such a position as to endanger pedestrians, bicyclists, or vehicular traffic on a street by obscuring the view or by interfering with official street signs or signals, by virtue of position or color.
2. No sign may occupy a sight triangle.
3. Signs and their supporting structures shall maintain clearance and noninterference with all surface and underground utility and communications lines or equipment.

B. Sign Materials and Construction.

1. Every sign shall be constructed of durable materials, using non-corrosive fastenings; shall be structurally safe and erected or installed in strict accordance with the PA Uniform Construction Code; and shall be maintained in safe condition and good repair at all times so that all sign information is clearly legible.
2. In general, signs incorporating natural materials, including but not limited to: wood, metal, and glass, are encouraged.
3. Internally illuminated box signs shall be back-lit with an opaque background material, leaving only the sign content illuminated rather than the sign background.

C. Sign Area.

1. The area of a sign shall mean the area of all lettering, wording, accompanying designs, logos, and symbols, together with the background on which they are displayed, whether open or enclosed.
2. The area of a sign shall not include any supporting framework, bracing, or trim which is incidental to the display, provided that it does not contain any lettering, wording, or symbols.
3. Where the sign consists of individual letters, designs or symbols attached to a building, awning/canopy, wall, or window, the area shall be that of the smallest rectangle which encompasses all of the letters, designs, and symbols.
4. Signs may be multi-sided.
 - a. Only one side shall be considered when determining the sign area, provided that the faces are equal in size, the interior angle formed by the faces is less than 45 degrees, and the two faces are not more than 18 inches apart.
 - b. Where the faces are not equal in size, but the interior angle formed by the faces is less than 45 degrees and the two faces are not more than 18 inches apart, the larger sign face shall be used as the basis for calculating sign area.
 - c. When the interior angle formed by the faces is greater than 45 degrees, or the faces are greater than 18 inches apart, all sides of such sign shall be considered in calculating the sign area.
5. Signs that consist of, or have attached to them, one or more three-dimensional or irregularly-shaped objects, shall have a sign area equal to the sum of two adjacent vertical sign faces of the smallest cube encompassing the sign or object.
6. If elements of a sign are movable or flexible, such as a flag or banner, the measurement is taken when the elements are fully extended and parallel to the plane of view.

D. Sign Height.

1. Sign height shall be measured as the distance from the highest portion of the sign to the mean finished grade of the street closest to the sign. In the case of a sign located greater than 100 feet from a public street, height shall be measured to the mean grade at the base of the sign.
2. Clearance for freestanding and projecting signs shall be measured as the smallest vertical distance between finished grade and the lowest point of the sign, including any framework or other structural elements.

E. Sign Spacing: The spacing between sign structures shall be measured as a straight-line distance between the closest edges of each sign.

F. Sign Illumination. Signs may be illuminated, unless otherwise specified herein, in compliance with the following standards:

1. Location. The summary table below (Section 1105.F.10.) provides detailed information about what types of illumination are permitted in each zoning district.
2. Light sources to illuminate signs shall neither be visible from any street right-of-way, nor cause glare hazardous or distracting to pedestrians, vehicle drivers, or adjacent properties.
 - a. External illumination shall be by a steady, stationary light source, shielded and directed solely at the sign. The light source must be white light only.
 - b. Internal illumination, including neon lighting, must be static in intensity and color. Sign lettering of internally-illuminated signs may be back-lit, halo-lit illumination, or reverse channel with halo illumination. Internally illuminated box signs shall be back-lit with an opaque background material leaving only the sign content illuminated rather than the sign background..
3. No more than 0.2 foot-candle of light shall be detectable at the boundary of any abutting property.
4. Hours of Operation.
 - a. Signs on non-residential properties may be illuminated from 5 AM to 12 AM, or ½ hour past the close of business of the facility being identified or advertised, whichever is later.
 - b. Signs shall provide an automatic timer to ensure compliance with the limits herein.
5. Electrical Standards.
 - a. Permits for illuminated signs will not be issued without an approved electrical permit, if required. Applications for electrical permits shall be filed at the same time as the sign permit application.
 - b. A sign using electricity shall be installed in compliance with the Borough Electrical Code as set forth in the PA Uniform Construction Code.
 - c. All signs not attached to a building shall be connected by underground service only.
 - d. The owner of an illuminated sign shall provide certification documentation to the Borough showing compliance with the brightness standards set forth herein as a condition precedent to the issuance of a sign permit.
6. Glare Control. Glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields, and baffles, and appropriate application of fixture mounting height, wattage, aiming angle, and fixture placement. Vegetation screens shall not be employed to serve as the primary means for controlling glare.

7. Additional Standards Applicable to Message Center Signs and Digital Displays:
- a. Sign Type. Message center signs and digital displays are permitted in the form of freestanding, monument, and wall signs, in accordance with the regulations herein
 - b. Height. A message center sign or digital display shall have the same height limits as other permitted signs of the same type and location.
 - c. Area. Message center signs and digital displays shall not exceed 50% of the total sign area for any one sign, and shall not exceed more than 30% of the total sign area for all signs permitted on a property.
 - (1) Maximum Number. Where permitted, a maximum of one (1) message center sign and/or one (1) digital display is permitted per property.
 - d. Message Display.
 - 1. No message center sign or digital display may contain text which flashes, pulsates, moves, or scrolls. Each complete message must fit on one screen.
 - 2. One message/display may be brighter than another, but each individual message/display must be static in intensity.
 - 3. The content of a message center sign or digital display must transition by changing instantly (*e.g.*, no fade-out or fade-in).
 - 4. The sign shall contain a default design which shall freeze the sign message in one position if a malfunction should occur.
 - e. Conversion of a permitted non-message center sign or non-digital display sign to a message center sign or digital display requires the issuance of a permit pursuant to Section 1109.
 - f. The addition of any message center sign or digital display to a nonconforming sign is prohibited.
 - g. Public Service Announcements. The owner of every message center sign or digital display is encouraged to coordinate with local authorities to display, when appropriate, emergency information important to the traveling public including, but not limited to Amber Alerts or other alerts concerning terrorist attacks or natural disasters. Emergency information message shall remain in the advertising rotation according to the protocols of the agency that issues the information.
 - h. Brightness. Message center signs and digital displays are subject to the following brightness limits.
 - 1. During daylight hours between sunrise and sunset, luminance shall be no greater than five thousand nits.
 - 2. At all other times, luminance shall be no greater than 250 nits.
 - 3. Each sign must have a light sensing device that will automatically adjust the brightness of the display as the natural ambient light conditions change, to ensure compliance with the limits set herein.
 - i. Message Duration. The minimum length of time each message may be displayed on a message center sign or digital display is based upon the visibility and speed limit unique to individual signs and adjacent road conditions. The following method should be used to calculate the minimum message duration for message center signs and digital displays.
 - 1. Determine the greatest distance (feet) from which the sign becomes visible on the road the sign is primarily intended to serve. If a sign is intended to be seen from more than one roadway, the road with the lower posted speed limit shall be used.

2. Multiply the road's posted speed limit (MPH) by 5,280, and then divide by 3,600 to obtain the speed limit in feet/second.
 3. Divide the visibility distance by the speed limit (feet/second)
 4. Add an additional 10 percent of this number to the total.
 5. The resulting amount of time is the minimum permitted message duration in seconds, provided that it is no less than the minimum of 8 seconds.
8. Additional Standards Applicable to Projection Signs.
- a. Maximum Number. Where permitted, a maximum of one (1) projection sign is permitted per property.
 - b. Projected images shall not extend into any public street.
 - c. Light sources shall be stationary and constant in intensity and color at all times. Light sources shall be shielded from view from all public streets and walkways.
9. Additional Standards Applicable to Beacon and Festoon Lighting.
- a. Signs incorporating beacon and/or festoon lighting are permitted by conditional use.
 - b. Signs incorporating beacon and/or festoon lighting may be displayed up to a maximum of 7 consecutive days, two times per calendar year.

10. Illumination Standards by Zoning District.

Zoning District	Illumination Type					
	External	Internal	Message Center Sign	Digital Display	Projection Sign	Festoon and Beacon Lighting
Residential Zoning Districts (R-1, R-2, R-3, GA) <i>See Section 1107.A. for additional sign standards</i>	Y	N	N	N	N	N
Metropolitan Commercial Zoning District (C-3) <i>See Section 1107.B. for additional sign standards</i>	Y	Y	N	N	Y*	CU
Neighborhood Commercial Zoning Districts (C-2) <i>See Section 1107.C. for additional sign standards</i>	Y	Y	Y^	N	N	CU
Mixed Use Zoning Districts (MUR) <i>See Section 1107.D. for additional sign standards</i>	Y	Y	Y^	Y^	Y	CU
General Commercial and Industrial Zoning Districts (C-1 and LI) <i>See Section 1107.E. for additional sign standards</i>	Y	Y	Y^	Y^	Y^	CU

Y Illumination type is permitted in that zoning district, subject to standards in Section 1105.F. N Illumination type is not permitted in that zoning district

CU Illumination type is permitted only by conditional use

* Only permitted if sign faces either Main Street or Broad Street

^ Only permitted if sign faces either County Line Road or Broad Street

Section 1106. Regulations by Sign Type

A. Building Signs.

1. Wall Signs.

- a. The lowest edge of a wall sign shall be at least 8 feet above the finished grade.
- b. No wall sign shall extend more than 12 inches from the building wall on which it is affixed. If the wall sign projects less than 3 inches from the building wall on which it is affixed, the minimum 8-foot clearance requirement shall not apply.

2. Canopy and Awning Signs.

- a. A canopy or awning without lettering or other advertising shall not be regulated as a sign.
- b. Canopy or awning signs must be centered within or over architectural elements such as windows or doors.
- c. No awning or canopy sign shall be wider than the building wall or tenant space it identifies.

- d. The lowest edge of the canopy or awning sign shall be at least 8 feet above the finished grade.
 - e. Any ground-floor awning projecting into a street right-of-way must be retractable or removable.
 - f. Awnings above the ground floor may be fixed, provided they do not project more than 4 feet from the face of the building.
 - g. Multi-Tenant Buildings. If the awning or canopy sign is mounted on a multi-tenant building, all awning or canopy signs shall be similar in terms of height and projection across all tenants in the building.
3. Under Canopy Signs.
- a. The lowest edge of an under canopy sign shall be at least 8 feet above the finished grade.
4. Projecting Signs.
- a. No portion of a projecting sign shall project more than 4 feet from the face of the building wall on which it is affixed.
 - b. The outermost portion of a projecting sign shall project no closer than 5 feet from a curblin or shoulder of a public street.
 - c. The lowest edge of a projecting sign shall be at least 8 feet above the finished grade.
5. Window Signs. Incidental window signs displaying pertinent business information, such as business' hours of operation and credit cards accepted, shall be excluded from area calculations for window signs.

B. Marquee Signs.

- 1. Such signs shall be located only above the principal public entrance of a building facing a public street or parking lot.
- 2. No marquee shall be wider than the entrance it serves, plus 2 feet on each side thereof.
- 3. No marquee shall extend closer to the curb than 3 feet.
- 4. Sign Height:
 - a. No portion of a marquee sign shall extend vertically above the eaveline.
 - b. The lowest edge of the marquee sign shall be at least 10 feet above the finished grade.

C. Freestanding Signs.

- 1. The lowest edge of any freestanding pole sign shall be either less than 4 feet or greater than 7 feet above the ground.
- 2. Freestanding ground signs shall be supported and permanently placed by embedding, anchoring, or connecting the sign in such a manner to incorporate it into the landscape or architectural design scheme.
- 3. Sign Placement.
 - a. All freestanding signs shall be setback at least 5 feet from the right-of-way, except for official traffic signs and government/regulatory signs.
 - b. No freestanding sign may occupy an area designated for parking, loading, walkways, driveways, fire lane, easement, cartway of the right-of-way or other areas required to remain unobstructed.

D. Temporary Signs.

1. General Provisions: Temporary signs that are located on private property and comply with all of the requirements of this sub-section are exempt from standard permit requirements and shall not be included in the determination of the type, number, or area of signs allowed on a property. Unless otherwise state below, the requirements listed below shall apply to both commercial and non-commercial signs.
2. Sign Type: All temporary signs are permitted in the following sign types, subject to all additional regulations in Section 1106.A.
 - a. Freestanding sign.
 - b. Window sign.
 - c. Wall sign.
 - d. Banner sign.
3. Size and Number.
 - a. Residential Zoning Districts. The following standards shall apply to temporary signs located in the R-1, R-2, R-3, and GA residential zoning districts.
 - i. Number: One (1) temporary sign shall be permitted per street frontage, up to a maximum of two (2) temporary signs per property.
 - ii. Area: Each temporary sign shall have a maximum area of 4 square feet.
 - iii. Height: Each temporary sign shall have a maximum height of 6 feet.
 - b. Non-Residential Zoning Districts. The following standards shall apply to temporary signs located in all other zoning district.
 - i. Large Temporary Signs:
 - 1) Number: One (1) large temporary sign shall be permitted per property, however two (2) large temporary signs shall be permitted per property, if the property meets any of the following criteria:
 - a) The property has two (2) or more street frontages;
 - b) The property has at least 100 feet of street frontage; or
 - c) The property has at least 10,000 square feet of non-residential floor area.
 - 2) Area: Each large temporary sign shall have a maximum area of 16 square feet.
 - 3) Height: Each large temporary sign shall have a maximum height of 8 feet.
 - ii. Small Temporary Signs:
 - 1) Number: One (1) small temporary sign shall be permitted per property, however two (2) small temporary signs shall be permitted per property, if the property meets any of the following criteria:
 1. The property has two (2) or more street frontages;
 2. The property has at least 100 feet of street frontage; or
 3. The property has at least 10,000 square feet of non-residential floor area.
 - 2) Area: Each small temporary sign shall have a maximum area of 6 square feet.

- 3) Height: Each small temporary sign shall have a maximum height of 6 feet.
- iii. Banner Signs: One (1) banner sign, up to 32 square feet in area and 24 feet in height, is permitted per property.
- 4. Duration and Removal.
 - a. Temporary signs may be displayed up to a maximum of 30 consecutive days, four times per calendar year.
 - b. The Borough or the property owner may confiscate temporary signs installed in violation of this Article. Neither the Borough nor the property owner is responsible for notifying sign owners of confiscation of an illegal temporary sign.
- 5. Permission: The party posting the temporary sign is solely responsible for obtaining the permission of the property owner before posting their temporary sign.
- 6. Municipal Notification: Temporary signs are exempt from the standard permit requirements but the date of erection of a temporary sign must be written in indelible ink on the lower right hand corner of the sign.
- 7. Installation and Maintenance.
 - a. All temporary signs must be installed such that in the opinion of the Borough Zoning Officer, they do not create a safety hazard.
 - b. All temporary signs must be made of durable materials and shall be well-maintained.
 - c. Temporary signs that are frayed, torn, broken, or that are no longer legible will be deemed unmaintained and required to be removed.
- 8. Illumination: Illumination of any temporary sign is prohibited.
- 9. Summary Table for Temporary Signs.

	Residential Zoning Districts (R-1, R-2, R-3, GA)	Non-Residential Zoning Districts (All Other Zoning Districts)
Maximum Number	<u>Temporary Signs</u> : 1 per street frontage, up to a maximum of 2 per property	<u>Large Temporary Signs</u> : 1 per property (plus, 1 additional if property has ≥ 2 street frontages, ≥ 100 ft. of street frontage, OR $\geq 10,000$ square feet of non- residential floor area) <u>Small Temporary Signs</u> : 1 per property (plus, 1 additional if property has ≥ 2 street frontages, ≥ 100 ft. of street frontage, OR $\geq 10,000$ square feet of non- residential floor area) <u>Banner Signs</u> : 1 per property
Maximum Area (sq. ft.)	<u>Temporary Signs</u> : 6	<u>Large Temporary Signs</u> : 16 <u>Small Temporary Signs</u> : 6 <u>Banner Signs</u> : 32
Maximum Height (feet)	<u>Temporary Signs</u> : 4	<u>Large Temporary Signs</u> : 8 <u>Small Temporary Signs</u> : 6 <u>Banner Signs</u> : 24

E. Limited Duration Signs.

- 1. General Provisions: Limited duration signs that are located on private property and comply with

all of the requirements of this sub-section shall not be included in the determination of the type, number, or area of signs allowed on a property. Unless otherwise state below, the requirements listed below shall apply to both commercial and non-commercial signs.

2. Sign Type: All limited duration signs are permitted in the following sign types, subject to all additional regulations in Section 1106.A.
 - a. Freestanding sign.
 - b. Window sign.
 - c. Wall sign.
3. Size and Number.
 - a. Residential Zoning Districts: The following standards shall apply to limited duration signs located in the R-1, R-2, R-3, and GA residential zoning districts.
 - i. Number: One (1) limited duration sign shall be permitted per street frontage, up to a maximum of two (2) limited duration signs per property.
 - ii. Area: Each sign shall have a maximum area of 4 square feet.
 - iii. Height: Each sign shall have a maximum height of 6 feet.
 - b. Non-Residential Zoning Districts: The following standards shall apply to limited duration signs located in all other zoning districts.
 - i. Large Limited Duration Signs:
 - A. Number: One (1) large limited duration sign shall be permitted per property, however two (2) large limited duration signs shall be permitted per property, if the property meets any of the following criteria:
 1. The property has two (2) or more street frontages;
 2. The property has at least 100 feet of street frontage; or
 3. The property has at least 10,000 square feet of non-residential floor area.
 - B. Area: Each large limited duration sign shall have a maximum area of 16 square feet.
 - C. Height: Each large limited duration sign shall have a maximum height of 8 feet.
 - ii. Small Limited Duration Signs:
 - A. Number: One (1) small limited duration sign shall be permitted per property, however two (2) small limited duration signs shall be permitted per property, if the property meets any of the following criteria:
 1. The property has two (2) or more street frontages;
 2. The property has at least 100 feet of street frontage; or
 3. The property has at least 10,000 square feet of non-residential floor area.
 - B. Area: Each small limited duration sign shall have a maximum area of 6 square feet.
 - C. Height: Each small limited duration sign shall have a maximum height of 6 feet.
4. Permit Requirements.
 - a. A permit for a limited duration sign is issued for one year and may be renewed annually.
 - b. One (1) sign is allowed per permit. An applicant may request up to two (2) permits per address, but is subject to the size and number requirements set forth in this section.

- c. An application for a limited duration sign permit must include:
 - i. A description of the sign indicating the number, size, shape, dimensions, and colors of the sign, and the expected length of time the sign will be displayed;
 - ii. A schematic drawing of the site showing the proposed location of the sign in relation to nearby buildings and streets; and
 - iii. The number of signs on the site.
- 5. Installation and Maintenance.
 - a. All limited duration signs must be installed such that in the opinion of the Borough Zoning Officer, they do not create a safety hazard.
 - b. All limited duration signs must be made of durable materials and shall be well-maintained.
 - c. Limited duration signs that are frayed, torn, broken, or that are no longer legible will be deemed unmaintained and required to be removed.
- 6. Illumination: Illumination of any limited duration sign is prohibited.
- 7. Summary Table for Limited Duration Signs.

	Residential Zoning Districts (R-1, R-2, R-3, GA)	Non-Residential Zoning Districts (All Other Zoning Districts)
Maximum Number	<u>Limited Duration Signs:</u> 1 per street frontage, up to a maximum of 2 per property	<u>Large Limited Duration Signs:</u> 1 per property (plus, 1 additional if property has ≥ 2 street frontages, ≥ 100 ft. of street frontage, OR $\geq 10,000$ square feet of non-residential floor area) <u>Small Limited Duration Signs:</u> 1 per property (plus, 1 additional if property has ≥ 2 street frontages, ≥ 100 ft. of street frontage, OR $\geq 10,000$ square feet of non-residential floor area)
Maximum Area (sq. ft.)	<u>Limited Duration Signs:</u> 6	<u>Large Limited Duration Signs:</u> 16 <u>Small Limited Duration Signs:</u> 6
Maximum Height (feet)	<u>Limited Duration Signs:</u> 4	<u>Large Limited Duration Signs:</u> 8 <u>Small Limited Duration Signs:</u> 6

F. Curb/Sidewalk Signs.

- 1. General Provisions: Curb/sidewalk signs that comply with the requirements in this sub-section shall not be included in the determination of the type, number, or area of signs allowed on a property.
 - a. Number: One (1) curb/sidewalk sign is permitted per building frontage up to two curb/sidewalk signs per property.
 - b. Area: Each sign shall have a maximum area of 8 square feet per sign face.
 - c. Height: Signs shall have a maximum height of 3.5 feet.
 - d. Illumination: Illumination of any curb/sidewalk sign is prohibited.
 - e. Hours of Display.

- i. Signs shall not be displayed on any premises before 6:00 AM and shall be removed each day at or before 10:00 PM. However, all curb/sidewalk signs must be taken indoors during hours of non-operation of the business being advertised.
 - ii. All signs must be taken indoors during inclement weather.

2. Sign Placement.

- a. If a sign is located on a public or private sidewalk, a minimum of 5 feet of unobstructed sidewalk clearance must be maintained between the sign and any building or other obstruction.
- b. The sign must be located on the premises, and within 12 feet of the primary public entrance, of the establishment it advertises. For the purposes of this sub-section, a public entrance includes a vehicular entrance into a parking garage or parking lot.
- c. Curb/sidewalk signs shall be weighted at the base so that the sign cannot be moved by strong winds; however, no sign shall be chained, tied or otherwise affixed to any structure or object.

G. Street Pole Banner Signs.

1. General Provisions. Street pole banner signs that comply with the requirements in this sub-section shall not be included in the determination of the type, number, or area of signs allowed on a property.

- a. Illumination. Illumination of any street pole banner is prohibited.
- b. Area. Each street pole banner shall have a maximum area of 12.5 square feet and a maximum width of 3 feet. Up to two street pole banners are permitted per street pole.
- c. Height.
 - i. When the street pole banner's edge is less than 18 inches from the curb, the lowest edge of the street pole banner shall be at least 14 feet above the finished grade.
 - ii. When the street pole banner's edge is greater than 18 inches from the curb, the lowest edge of the street pole banner shall be at least 7.5 feet above the finished grade.
- d. Location.
 - i. No street pole banner shall extend beyond the curblines.
 - ii. Street pole banners shall maintain a minimum of 3-foot vertical clearance below any luminaries located on the pole measured from where the ballasts connect to the poles.
 - iii. Street pole banners shall not interfere with the visibility of traffic signals or signs.
 - iv. No street pole banner shall be located on a pole that has traffic or pedestrian control signals.
- e. Installation and Maintenance.
 - i. All street pole banners must be made of lightweight and durable fabrics.
 - ii. Street pole banners that are frayed, torn, or faded so that they are no longer legible will be deemed unmaintained and will be required to be removed.

2. Permission.

- a. The party posting the street pole banner sign is solely responsible for obtaining the permission of the property owner before posting their street pole banner sign.

3. Municipal Approval.

- a. Although street pole banner signs are exempt from the standard permit requirements, the Borough Zoning Officer must approve an application for a street pole banner sign.

- b. An application for a street pole banner sign must include the following:
 - i. A diagram or map of the specific pole(s) to be used for street pole banner installation and the streets on which the poles are located.
 - ii. A proof of the street pole banner design, including the banner's dimensions.
 - iii. If brackets are to be installed, submit specifications for the bracket installation system.
- H. Manual Changeable Copy Signs. Manual changeable copy signs are permitted only when integrated into a freestanding, marquee, wall, or curb/sidewalk sign.
- I. Murals.
- 1. General Provisions.
 - a. Illumination. The following types shall be permitted subject to the regulations in Section 1105.F.
 - i. External illumination.
 - b. Area.
 - i. No part of a mural shall extend beyond the height or width of the façade on which it is painted, tiled, or otherwise affixed, or onto more than one façade of a building.
 - c. Maintenance. The owner of the building on which the mural is located shall be responsible for the maintenance of the mural in perpetuity.
 - 2. Municipal Approval.
 - a. No person shall install, construct, paint, or modify a mural without first submitting an application to the Zoning Officer. The Zoning Officer shall submit the completed mural application to Souderton Borough Council for review and comment at least fifteen (15) calendar days prior to the issuance of a permit. Regular maintenance of a mural shall not require an application or approval.
 - b. The application requirements and procedures are provided in Section 1109.

Section 1107. Signs Regulations by Zoning Districts.

- A. Signs in Residential Zoning Districts (R-1, R-2, R-3, GA). In addition to the exempt signs described in Section 1104, the following numbers and types of signs may be erected in the R1 Residential, R2, Residential, R3 Residential, or GA Garden Apartment zoning districts, subject to the conditions specified herein and in Section 1106.
 - 1. Any limited duration sign as defined and regulation in Section 1106.D.
 - 2. Any temporary sign as defined and regulated in Section 1106.E.
 - 3. Residential Uses.
 - a. Home occupations.
 - i. Freestanding Signs: One (1) freestanding sign shall be permitted subject to the following regulations.
 - A. Area: Each sign shall have a maximum area of 6 square feet per sign face.
 - B. Height: Each sign shall have a maximum height of six (6) feet.
 - C. Illumination: Signs shall be non-illuminated.

- ii. Wall/Projecting Signs: One (1) wall or projecting sign shall be permitted subject to the following regulations.
 - D. Area: Each sign shall have a maximum area of 2 square feet per sign face.
 - E. Height: Each sign shall have a maximum height equal to the eaveline or the bottom of the second story window sill, whichever is lower.
 - F. Illumination: Signs shall be non-illuminated.
 - b. Residential Developments and Apartment Buildings.
 - i. Freestanding Signs: One freestanding sign shall be permitted per street frontage of a property containing more than ten dwelling units, subject to the following regulations.
 - A. Area: Each sign shall have a maximum area of 20 square feet per sign face.
 - B. Height: Each sign shall have a maximum height of 6 feet.
 - C. Illumination: The following illumination types shall be permitted subject to the regulations in Section 1105.F.
 - 1. External illumination.
 - ii. Awning/Canopy/Under Canopy Signs: One (1) awning, canopy, or under canopy sign shall be permitted per building entrance to an apartment or amenity building, subject to the following regulations.
 - A. Area: Each sign shall have a maximum area of 20 square feet per sign face.
 - B. Height: Each sign shall have a maximum height equal to the eaveline or the bottom of the second story window sill, whichever is lower.
 - C. Illumination: The following illumination types shall be permitted subject to the regulations in Section 1105.F.
 - 1. External illumination.
- 4. Park, Recreation, and Open Space Uses.
 - a. Freestanding Signs: One (1) freestanding sign shall be permitted per street entrance subject to the following regulations.
 - i. Area: Each sign shall have a maximum area of 24 square feet per sign face.
 - ii. Height: Each sign shall have a maximum height of 10 feet.
 - iii. Illumination: The following illumination types shall be permitted subject to the regulations in Section 1105.F.
 - A. External illumination.
 - b. Scoreboards: In addition to the freestanding signs permitted above, one (1) freestanding scoreboard sign shall be permitted per playing field subject to the following regulations.
 - i. Area: Each scoreboard sign shall have a maximum area of 200 square feet per sign face.
 - ii. Height: Each sign shall have a maximum height of 20 feet.
 - iii. Illumination: The following illumination types shall be permitted subject to the regulations in Section 1105.F.
 - A. Internal illumination.
 - B. External illumination.

- C. Message center sign.
- iv. Additional Regulations.
 - A. Commercial messages and advertising shall not exceed 30% of the total sign area of any one (1) scoreboard.
 - B. The face of all scoreboards, including any attached commercial signs and panels, shall be permanently oriented toward the recreation and spectator area.
- c. Interior Signs: Signs located on the interior of the site used to identify various use areas, facility boundaries, on-site traffic direction, trail use information, the hours and rules for the use of the grounds, etc., are exempt from permit requirements, subject to the following regulations.
 - i. Area: Each sign shall have a maximum area of 10 square feet per sign face.
 - ii. Height: Each sign shall have a maximum height of 8 feet.
 - iii. Illumination: Signs shall be non-illuminated.
- d. Signs located on the interior walls or fence of an open stadium, and designed to be viewed from the inside of the stadium only, shall be permitted subject to the following regulations.
 - i. Area: Each sign shall have a maximum area of 24 square feet per sign face.
 - ii. Illumination: Signs shall be non-illuminated.
- 5. All Other Non-Residential Uses.
 - a. Freestanding Signs: One (1) freestanding sign shall be permitted per street frontage, up to a maximum of two (2) freestanding signs, subject to the following regulations.
 - i. Area: Each sign shall have a maximum area of 20 square feet per sign face.
 - ii. Height: Each sign shall have a maximum height of four (4) feet.
 - iii. Illumination: The following illumination types shall be permitted subject to the regulations in Section 1105.F.
 - A. External illumination.
 - b. Wall and Projecting Signs: One (1) wall or projecting sign shall be permitted per non-residential tenant, per building frontage, up to a maximum of two (2) signs per non-residential tenant, subject to the following regulations:
 - i. Area: Each sign shall have a maximum area of 20 square feet per sign face.
 - ii. Height: Each sign shall have a maximum height equal to the eaveline, or the bottom of the second story window sill, whichever is lower.
 - iii. Illumination: The following illumination types shall be permitted subject to the regulations in Section 1105.F.
 - A. External illumination.
 - c. Window Signs: Window signs shall be permitted for non-residential uses subject to the following regulations:
 - i. Area: A maximum of 15% of the total window area of any single building frontage may be used for signs.
 - ii. Illumination: These signs shall be non-illuminated.

6. Summary Table for Signs in the R1, R2, R3, and GA Districts.

	Freestanding	Wall and Projecting	Awning/Canopy/Under Canopy	Window
Maximum Number	<u>Home Occupations:</u> 1 per lot <u>Residential Developments or Apartment Buildings:</u> 1 per street entrance, up to 2 <u>Parks and Open Space:</u> Entrance Signs: 1 per street entrance Scoreboards: 1 per playing field <u>Non-Residential Uses:</u> 1 per street frontage	<u>Home Occupations:</u> 1 per lot <u>Non-Residential Uses:</u> 1 per tenant per building frontage (up to 2 per tenant)	<u>Apartment Buildings:</u> 1 per building entrance	N/A
Maximum Area (sq. ft.)	<u>Home Occupations:</u> 6 <u>Residential Developments or Apartment Buildings:</u> 15 <u>Parks and Open Space:</u> Entrance Signs: 24 Scoreboards: 200 Interior Signs: 10 <u>Non-Residential Uses:</u> 20	<u>Home Occupations:</u> 2 <u>Non-Residential Uses:</u> 20	<u>Apartment Buildings:</u> 20	<u>Non-Residential Uses:</u> 15% of the total window area
Maximum Height	<u>Home Occupations:</u> 6 feet <u>Residential Developments or Apartment Buildings:</u> 8 feet <u>Parks and Open Space:</u> Entrance Signs: 10 feet Scoreboards: 20 feet Interior Signs: 8 feet <u>Non-Residential Uses:</u> 4 feet	The eaveline or the bottom of the second story window sill, whichever is lower.	N/A	

B. Signs in Neighborhood and Main Street Commercial Zoning Districts (C-2, C-3). In addition to the exempt signs described in Section 1104, the following numbers and types of signs may be erected in the C2 Limited Commercial-Residential and C3 Commercial – Downtown Core zoning districts, subject to the conditions specified herein and in Section 1106.

1. Any limited duration sign as defined and regulation in Section 1106.D.
2. Any temporary sign as defined and regulated in Section 1106.E.
3. Any sandwich board sign as defined and regulated in Section 1106.F.
4. Any street pole banner as defined and regulated in Section 1106.G.
5. Signs associated with a residential use or parcel shall comply with the standards in Section 1107.A.
6. All Non-Residential Uses.
 - a. Freestanding Signs.
 - i. Location: A minimum street frontage of 100 feet is required per freestanding signs. Freestanding signs are not permitted in the C-3 Commercial – Downtown Core zoning district.

- ii. Number: One (1) freestanding sign per street frontage, up to two freestanding signs per property.
 - iii. Area: Each sign shall have a maximum area of 15 square feet per sign face, plus an additional 5 square feet per tenant per sign face, up to a maximum of 30 square feet per sign face.
 - iv. Height: Each sign shall have a maximum height of 6 feet.
 - v. Illumination: The following illumination types shall be permitted subject to the regulations in Section 1105.F.
 - A. External illumination.
 - B. Internal illumination
- b. Building Signs: The total area of all wall, awning/canopy, and projecting signs shall be limited to one and one-half (1.5) square feet per one (1) linear foot of building frontage that faces a public street or public parking lot, subject to maximum size limitations based on sign type.
- i. Wall Signs: One (1) wall sign per tenant per street frontage, up to two (2) wall signs per tenant. Where a property has entrances facing both a street and a parking lot, a second sign is permitted to face the parking lot.
 - A. Area: Each sign shall have a maximum area of 24 square feet per sign face.
 - B. Height: Each sign shall have a maximum height equal to the eaveline of the building or the bottom of the second story window sill, whichever is lower.
 - C. Illumination: The following illumination types shall be permitted subject to the regulations in Section 1105.F.
 - 1. External illumination, with the light source lighting the sign from above.
 - 2. Internal illumination
 - 2. Halo illumination or back-lit letters.
 - ii. Awning /Canopy/Under Canopy Signs.
 - A. Height: Each sign shall have a maximum height equal to the eaveline of the building or the bottom of the second story window sill, whichever is lower.
 - B. Illumination: The following illumination types shall be permitted subject to the regulations in Section 1105.F.
 - 1. External illumination.
 - iii. Projecting Signs: One (1) projecting sign per ground floor establishment, plus one (1) projecting sign per building entrance serving one or more commercial tenants without a ground floor entrance.
 - A. Area: Each sign shall have a maximum area of 10 square feet per sign face.
 - B. Height: Each sign shall have a maximum height equal to the eaveline of the building or the bottom of the second story window sill, whichever is lower.
 - C. Illumination: The following illumination types shall be permitted subject to the regulations in Section 1105.F.
 - 1. External illumination.
- c. Window Signs.

- i. Area: A maximum of 15% of the total window area of any single storefront may be used for permanent signs that are etched, painted, or permanently affixed or applied to the window. A maximum of 25% of the total window area of any single storefront may be covered by a combination of permanent and temporary window signs.
- ii. Illumination: Signs shall be non-illuminated.
- d. Marquee Signs.
 - i. Location: A minimum street frontage of 100 feet on either Main Street or Broad Street is required per marquee sign.
 - ii. Number: One (1) marquee structure per building.
 - iii. Area: The total area of all signs on a single marquee structure shall not exceed 150 square feet.
 - iv. Height: Each sign shall have a maximum height equal to the eaveline of the building.
 - v. Illumination: The following illumination types shall be permitted subject to the regulations in Section 1105.F.
 - A. External illumination.
 - B. Neon lighting.
- 7. Summary Table for Signs in the Neighborhood and Main Street Commercial Zoning Districts (C- 2, C-3).

	Wall Signs, Awning/Canopy/ Under Canopy Signs	Projecting Signs	Window Signs	Marquee Signs	Freestanding Signs
Maximum Number	Wall: 1 per tenant per street frontage, up to 2 per tenant Awning/Canopy: N/A (See Section1106.A.2.)	1 per ground floor establishment, plus 1 per building entrance serving commercial tenants without a ground floor entrance	N/A	1 per property	1 per street frontage, up to 2 per lot
Maximum Area (Total)	1.5 square feet per linear ft. of building frontage facing a public street or parking lot, subject to maximum size limitations based on sign type.		15% of total window area (permanent signs); 25% of total window area (all signs)	N/A	N/A
Maximum Area (Individual)	Wall: 24 sq. ft. Awning/Canopy: N/A (see Section1106.A.2.)	10 sq. ft.	N/A	150 sq. ft.	15 square feet plus an additional 5 square feet per tenant up to 30 sq. ft.
Maximum Height	The eaveline of the building or the bottom of the second story window sill, whichever is lower.		N/A	The eaveline of the building	10 ft.

C. Signs in Mixed Use Zoning Districts (MUR). In addition to the exempt signs described in Section 1104, the following numbers and types of signs may be erected in the MUR Mixed Use Redevelopment zoning district, subject to the conditions specified herein and in Section 1106.

1. Any limited duration sign as defined and regulation in Section 1106.D.
2. Any temporary sign as defined and regulated in Section 1106.E.
3. Any sandwich board sign as defined and regulated in Section 1106.F.

4. Any street pole banner as defined and regulated in Section 1106.G.
5. Signs associated with a residential use or parcel shall comply with the standards in Section 1107.A.
6. All Non-Residential Uses.
 - a. Freestanding Monument Signs. A minimum of one and a maximum of two freestanding monument signs shall be placed at each street entrance, subject to the following regulations. Freestanding monument signs should be designed and placed so that they frame the main street entrances into the development, create a welcoming gateway, and introduce the branding of the development as a whole.
 - i. Location: Freestanding signs are not permitted to front on East Chestnut Street.
 - ii. Area: Each sign shall have a maximum area of 50 square feet.
 - iii. Height: Each sign shall have a maximum height of 10 feet.
 - iv. Illumination: The following illumination types shall be permitted subject to the regulations in Section 1105.F.
 - A. Internal illumination.
 - B. External illumination.
 - C. Halo illumination or back-lit letters.
 - b. Building Signs. The total area of all wall, awning/canopy, and projecting signs shall be limited to 2 square feet per one (1) linear foot of building frontage that faces a public street or public parking lot, subject to maximum size limitations based on sign type.
 - i. Wall Signs: One (1) wall sign per tenant per street frontage, up to a maximum of two (2) wall signs per tenant. Where a property has entrances facing both a street and a parking lot, an additional sign is permitted to face the parking lot.
 - A. Area: Each sign shall have a maximum area of 24 square feet per sign face.
 - B. Height: Each sign shall have a maximum height equal to the eaveline of the building.
 - C. Illumination: The following illumination types shall be permitted subject to the regulations in Section 1105.F.
 1. External illumination, with the light source lighting the sign from above.
 2. Internal illumination
 3. Halo illumination or back-lit letters.
 4. Neon lighting.
 - ii. Awning/Canopy/Under Canopy Signs.
 - A. Height: Each sign shall have a maximum height equal to the eaveline of the building.
 - B. Illumination: The following illumination types shall be permitted subject to the regulations in Section 1105.F.
 1. External illumination, with the light source lighting the sign from above.
 - iii. Projecting Signs: One (1) projecting sign per ground floor establishment, plus one (1) projecting sign per building entrance serving one or more commercial tenants without a ground floor entrance.
 - A. Area: Each sign shall have a maximum area of 12 square feet per sign face.

- B. Height: Each sign shall have a maximum height equal to the eaveline of the building.
- C. Illumination: The following illumination types shall be permitted subject to the regulations in Section 1105.F.
 - 1. External illumination, with the light source lighting the sign from above.
 - 2. Neon lighting.
- c. Window Signs.
 - i. Area: A maximum of 15% of the total window area of any single storefront may be used for permanent signs that are etched, painted, or permanently affixed to the window. A maximum of 25% of the total window area of any single storefront may be covered by a combination of permanent and temporary window signs.
 - A. Illumination: The following illumination types shall be permitted subject to the regulations in Section 1105.F.
 - 1. Neon lighting.
- d. Marquee Signs.
 - i. Number: One (1) marquee structure per building.
 - ii. Area: The total area of all signs on a single marquee structure shall not exceed 150 square feet.
 - iii. Height: Each sign shall have a maximum height equal to the eaveline of the building.
 - iv. Illumination: The following illumination types shall be permitted subject to the regulations in Section 1105.F.
 - A. Internal illumination.
 - B. External illumination.
 - C. Message center sign.
 - D. Neon lighting.

7. Summary Table for Signs in the Mixed Use Zoning Districts (MUR).

	Wall Signs, Awning/Canopy/ Under Canopy Signs	Projecting Signs	Window Signs	Marquee Signs	Freestanding Signs
Maximum Number	Wall: 1 per tenant per street frontage, up to 2 Awning/Canopy: N/A (See Section 1106.A.2.)	1 per ground floor establishment, plus 1 per building entrance serving commercial tenants without a ground floor entrance	N/A	1 per building	A minimum of 1 per street entrance (up to 2 per entrance)
Maximum Area (Total)	2 square feet per linear ft. of building frontage facing a public street or parking lot, subject to maximum size limitations based on sign type.		15% of total window area (permanent signs); 25% of total window area (all signs)	N/A	N/A
Maximum Area (Individual)	Wall: 24 sq. ft. Awning/Canopy: N/A (See Section 1106.A.2.)	12 sq. ft.	N/A	150 sq. ft.	50 sq. ft.
Maximum Height	The eaveline of the building		N/A	The eaveline of the building	10 ft.

D. Signs in General Commercial and Industrial Zoning Districts (C-1, LI). In addition to the exempt signs described in Section 1104, the following numbers and types of signs may be erected in the C-1 Commercial Business and LI Limited Industrial zoning districts, subject to the conditions specified herein and in Section 1106.

1. Any limited duration sign as defined and regulation in Section 1106.D.
2. Any temporary sign as defined and regulated in Section 1106.E.
3. Any sandwich board sign as defined and regulated in Section 1106.F.
4. Any street pole banner as defined and regulated in Section 1106.G.
5. Signs associated with a residential use or parcel shall comply with the standards in Section 1107.A.
6. All Non-Residential Uses.
 - a. Freestanding Signs. One (1) freestanding sign shall be permitted per street entrance, up to a maximum of two (2) signs per lot, subject to the following regulations.
 - i. Area: Each sign shall have a maximum area of 20 square feet per sign face, plus an additional 5 square feet per additional tenant, up to a maximum of 40 square feet.
 - ii. Height: Each sign shall have a maximum height of 10 feet.
 - iii. Illumination: The following illumination types shall be permitted subject to the regulations in Section 1105.F.
 - A. Internal illumination.
 - B. External illumination.
 - C. Halo illumination or back-lit letters.
 - D. Message center sign.
 - E. Digital display.

- b. Building Signs. The total area of all wall, awning/canopy, and projecting signs shall be limited to 2 square feet per one (1) linear foot of building frontage that faces a public street or public parking lot, subject to maximum size limitations based on sign type.
 - i. Wall Signs: One (1) wall sign per tenant per street frontage, up to a maximum of two (2) wall signs per tenant. Where a property has entrances facing both a street and a parking lot, an additional sign is permitted to face the parking lot.
 - A. Area: Each sign shall have a maximum area of 32 square feet per sign face.
 - B. Height: Each sign shall have a maximum height equal to the eaveline of the building or the bottom of the second story window sill, whichever is lower.
 - C. Illumination: The following illumination types shall be permitted subject to the regulations in Section 1105.F.
 - 1. External illumination, with the light source lighting the sign from above.
 - 2. Internal illumination.
 - 3. Halo illumination or back-lit letters.
 - 4. Neon lighting.
 - ii. Awning/Canopy/Under Canopy Signs.
 - A. Height: Each sign shall have a maximum height equal to the eaveline of the building or the bottom of the second story window sill, whichever is lower.
 - B. Illumination: The following illumination types shall be permitted subject to the regulations in Section 1105.F.
 - 1. External illumination, with the light source lighting the sign from above.
 - iii. Projecting Signs: One (1) projecting sign per ground floor establishment, plus one (1) projecting sign per building entrance serving one or more commercial tenants without a ground floor entrance.
 - A. Area: Each sign shall have a maximum area of 20 square feet per sign face.
 - B. Height: Each sign shall have a maximum height equal to the eaveline of the building or the bottom of the second story window sill, whichever is lower.
 - C. Illumination: The following illumination types shall be permitted subject to the regulations in Section 1105.F.
 - 1. External illumination, with the light source lighting the sign from above.
 - 2. Neon lighting.
- c. Window Signs.
 - i. Area: A maximum of 25% of the total window area of any single storefront may be used for permanent signs that are etched, painted, or permanently affixed to the window. A maximum of 35% of the total window area of any single storefront may be covered by a combination of permanent and temporary window signs.
 - ii. Illumination: The following illumination types shall be permitted subject to the regulations in Section 1105.F.
 - A. Neon lighting.
- d. Marquee Signs.
 - i. Number: One (1) marquee structure per building.
 - ii. Area: The total area of all signs on a single marquee structure shall not exceed 200 square

feet.

- iii. Height: Each sign shall have a maximum height equal to the eaveline of the building.
- iv. Illumination: The following illumination types shall be permitted subject to the regulations in Section 1105.F.
 - A. Internal illumination.
 - B. Message center sign.
 - C. Neon lighting.

7. Summary Table for Signs in the Mixed Use Zoning Districts (MUR).

	Wall Signs, Awning/Canopy/Under Canopy Signs	Projecting Signs	Window Signs	Marquee Signs	Freestanding Signs
Maximum Number	Wall: 1 per tenant per street frontage, up to 2 Awning/Canopy: N/A (See Section 1106.A.2.)	1 per ground floor establishment, plus 1 per building entrance serving commercial tenants without a ground floor entrance	N/A	1 per building	1 per street frontage, up to 2 per lot
Maximum Area (Total)	1.5 square feet per linear ft. of building frontage facing a public street or parking lot, subject to maximum size limitations based on sign type.		25% of total window area (permanent signs); 35% of total window area (all signs)	N/A	N/A
Maximum Area (Individual)	Wall: 32 sq. ft. Awning/Canopy: N/A (See Section 1106.A.2.)	20 sq. ft.	N/A	200 sq. ft.	20 square feet plus an additional 5 square feet per tenant up to 40 sq. ft.
Maximum Height	The eaveline of the building or the bottom of the second story window sill, whichever is lower.		N/A	The eaveline of the building	10 ft.

Section 1108. Removal of Unsafe, Unlawful, or Abandoned Signs.

A. Unsafe or Unlawful Signs.

1. Upon written notice by the Borough, the owner, person, or firm maintaining a sign shall remove the sign when it becomes unsafe, is in danger of falling, or it becomes so deteriorated so that it no longer serves a useful purpose of communication, or it is determined by the Borough to be a nuisance, or it is deemed unsafe by the Borough, or it is unlawfully erected in violation of any of the provisions of this Article.
2. The Borough may remove or cause to be removed the sign at the expense of the owner and/or lessee in the event of the owner or the person or firm maintaining the sign has not complied with the terms of the notice within 30 days of the date of the notice. In the event of immediate danger, the Borough may remove the sign immediately upon the issuance of notice to the owner, person, or firm maintaining the sign.

B. Abandoned Signs.

1. It shall be the responsibility of the owner of any property upon which an abandoned sign is located to remove such sign within 60 days of the sign becoming abandoned as defined in this Article. Removal of an abandoned sign shall include the removal of the entire sign including the sign face, supporting structure, and structural trim.

2. Where the owner of the property on which an abandoned sign is located fails to remove such sign within 60 days of the date of the notice, the Borough may remove such sign. Any expense directly incurred in the removal of such sign shall be charged to the owner of the property. Where the owner fails to pay, the Borough may file a lien upon the property for the purpose of recovering all reasonable costs associated with the removal of the sign.

Section 1109. Permits and Applications.

- A. It shall be unlawful to erect, construct, or significantly alter any sign which requires a sign permit without first filing with the Borough of Souderton an application in writing, which application shall contain the information required by the Borough Zoning Officer.
- B. Application for Sign Permit. The following shall be provided:
 1. The name, address, and telephone number of the property owner, and the signature of the owner or duly authorized agent for the owner.
 2. Two copies of a plan drawn to scale depicting:
 - a. Lot dimensions, building frontage, and existing cartways, rights-of-way, and driveways.
 - b. The design of each sign face and sign structure, including dimensions, total area, sign height, depth, color scheme, structural details, materials, lighting scheme, and proposed location.
 - c. The building elevations, existing and proposed façades, parapet walls, eaveline, and the location and size of all proposed and existing permanent signage.
 - d. Current photographs showing existing signs on the premises and certifying the date on which photographs were taken.
 - e. Such other information as may be required by the Borough Zoning Officer
- C. Application for Mural Permit. Borough Council shall be notified of all mural applications at least fifteen (15) calendar days prior to the issuance of a permit by the Zoning Officer. The following application materials shall be provided:
 1. All application materials required for a sign permit as set forth in Section 1109B.
 2. A written description of the mural, including subject matter, type of paint or materials to be used, and expected lifespan and maintenance plan for the mural.
 3. A written statement from the property owners expressing their consent for the mural and their agreement to maintain the mural and restore the wall or façade upon which the mural is placed to its prior existing condition if the mural is not properly maintained.
- D. All illuminated signs shall require certification in order to demonstrate continued compliance with the brightness requirements set forth in Section 1105.F. This certification must be renewed every 3 years. This will allow the Borough to adjust standards as needed based on changing technology and evaluation of impacts. The Borough reserves the right to assess the brightness of any sign at any time to ensure compliance with illumination requirements.
- E. Sign Review Committee. After submitting an application for a sign permit, the applicant shall present their sign design to the Sign Review Committee for informal feedback on the design and placement of the proposed signage. If a Sign Review Committee has not been appointed or cannot meet, the Borough Planning Commission or their designated representative(s) shall serve as the Sign Review Committee. [July 1, 2019]

Section 1110. Nonconforming Signs.

- A. Any sign legally existing at the time of the adoption of this Article that does not conform to the requirements of this Article, shall be considered a nonconforming sign and shall be bound by the

regulations of this Article regarding nonconforming signs.

1. A sign not conforming to this Article shall be removed when the sign requires any structural renovation or the background area of the sign is to be altered.
 2. All nonconforming signs, except those which are painted onto building walls, may be repainted, resurfaced or repaired provided that they are not substantially destroyed or abandoned, and provided such does not increase the dimension of the existing sign.
 3. A nonconforming sign must be removed within 14 days after notification by the Borough Zoning Officer or be made to conform to this ordinance in every respect whenever:
 - a. It is not securely attached to the ground, wall, or roof and can be easily moved; or
 - b. It becomes so deteriorated that it no longer serves a useful purpose of communication and is a nuisance as determined by the Borough; or
 - c. It is abandoned by the owner or the use is abandoned.
- B. All nonconforming temporary signs, limited duration signs, portable signs, and banners must be permanently removed within 90 days of the effective date of this Article, unless specific approval is granted as provided for herein.

Section 1111. Signs on the Premises of Legally Nonconforming Uses.

- A. Signs on the premises of legally nonconforming uses may remain until the existing use of the premises is discontinued.
- B. If a sign wears out or is damaged (including rust, faded colors, discoloration, holes, or missing parts or informational items), or is changed for any other reason, the number, size, and area of all signs relating to the premises shall not be increased beyond the characteristics of the sign or signs that existed on the property at the time this Article was adopted.

Section 1112. Substitution Clause.

Notwithstanding any provision of this Article to the contrary, to the extent that this Article allows a sign containing commercial copy, it shall allow a non-commercial sign to the same extent. The non-commercial message may occupy the entire sign area or any portion thereof, and may substitute for or be combined with the commercial message. The sign message may be changed from commercial to non-commercial, or from one noncommercial message to another, as frequently as desired by the sign's owner, provided that the sign is not prohibited and the sign continues to comply with all of the requirements of this Article.

[Replaced Ord. 692, 6/7/10 in its entirety by Ord. No. 16-726-04, 8/1/2016]

**ARTICLE XII
OFF-STREET PARKING AND LOADING**

Section 1200. Intent.

It is the intent of this article to:

- A. Allow flexibility in addressing parking, loading and access by permitting construction of a reduced number of parking spaces under appropriate conditions.
- B. Set reasonable standards and provide reasonable controls to assure sufficient parking capacity for the uses or potential uses of land in the borough.
- C. Prevent hazards to public safety caused by the intrusion of parking upon public rights-of-way.

Section 1201. General Parking Regulations.

- A. All parking lots must meet the requirements of the Subdivision and Land Development Ordinance.
- B. Pedestrian Access. Safe provisions for pedestrian access to and through a parking lot shall be required. Surface parking lots and pedestrian walkways connecting to them shall be well-lit. All lighting shall comply with standards in the Subdivision and Land Development Ordinance.
- C. Vehicular Access. Vehicular access to surface parking shall be from an alley or side street where possible.
- D. Location of Surface Parking. Parking shall be setback 10 feet from the street curb line or the edge of the existing cartway of a street or alley.
- E. Interconnected Parking Areas:
 - 1. New parking areas on abutting nonresidential lots should be interconnected by access driveways. Each nonresidential lot shall provide cross-access easements for its parking areas and access driveways guaranteeing access to adjacent lots for future connections. Interconnections shall be logically placed and easily identifiable to ensure convenient traffic flow.

Section 1202. Parking Use Requirements.

Parking space requirements by use or multiple uses on a site shall follow the standards found in the following tables with possible reductions from Shared Parking (Section 1206) or On-Site Parking Reduction (Section 1207).

Section 1203. Bicycle Parking.

- A. Parking lots over 50 spaces shall provide one (1) bicycle parking space for every ten (10) parking spaces in bike racks in close proximity to the building entrance. The number of required bicycle parking spaces shall be based on the number of off-street parking spaces that are required before any deductions are applied.
- B. Bicycle parking shall not obstruct any pedestrian walkways or building entrances.
- C. Bicycle parking facility and location shall meet the most recent standards of the Association of Pedestrian and Bicycle Professionals.

Section 1204. Maximum Parking.

No more than 120 percent of the required minimum parking is permitted.

Section 1205.

Land Use Type: Entertainment/Recreation	Spaces Required
Athletic Club	1 space per 250 square feet of leasable floor area
Gallery and Museum	1 space per 850 square feet of floor area
Indoor Amusements	1 space per 250 square feet of floor area
Indoor Recreation	1 space per 250 square feet of leasable floor area. Bowling alleys shall have 5 spaces per lane.
Studios of Art, Dance, Music or Photography	1 space per 800 square feet of floor area
Theater	1 space per 5 seats

Land Use Type: Retail Uses	Spaces Required
Automobile Sales	1 space for each 400 square feet of floor area, plus 1 space for each 1,000 square feet of outdoor display area
Bar or Tavern	1 space per 75 square feet of patron floor area,
Convenience Store: Offering made to order take-out foods Other	1 space per 75 square feet of patron floor area 1 space per 250 square feet of patron floor area
Restaurant: For the C-3 District:	Fast Food: no parking is required for the first 300 square feet of patron floor area, 1 space is required per each additional 50 square feet of patron floor area. Other than Fast Food: no parking is required for the first 400 square feet of patron floor area, 1 space is required per each additional 75 square feet of patron floor area.
Restaurant: Other Areas:	Fast Food: 1 space per 50 square feet of patron floor area Other: 1 space per 75 square feet of patron floor area
Retail: C-3 District Other Areas:	No parking is required for the first 450 square feet of space devoted to sales/service; 1 space is required per each additional 250 square feet devoted to sales/service. 1 space for every 250 square feet of space devoted to sales/service
Shopping Center	The sum of the spaces required for each individual use, unless shared parking is established consistent with Section 1206.
Supermarket	1 space for every 300 square feet of sales area
Outdoor Dining	No parking is required for the first 400 feet of Outdoor Dining Area. One (1) space is required for each additional 100 square feet of Outdoor Dining Area.

Land Use Type: Industrial	Spaces Required
General Manufacturing, Industrial or Processing	1 space for each 1,000 square feet of floor area. Office uses shall follow the office space requirements.
Research and Development, Laboratories	1 space for every 600 square feet of floor area. Office uses shall follow the office space requirements.
Storage Facility (self-service)	1 space for each 4,000 square feet of floor area.

Land Use Type: Institutional	Spaces Required
Business School, College or University	1 space for each student classroom, plus 1 space for each employee, plus 1 space for each 5 students or 1 space for each 3 auditorium or stadium seating, whichever is greater.
Group Quarters (including boarding houses, rooming houses and dormitories)	1 space for each bed, plus 1 space for each 6 beds for guest parking.
Day Care	1 space for each 5 children of license capacity.
Hospital, Extended Care (convalescent hospitals, nursing homes, and residential care homes), Group Homes	1 space per 2 beds.
Funeral Home	1 space per 100 square feet of floor area in parlors or assembly areas.
Community Center	1 space per 150 square feet of floor area
Banquet Hall, Conference Center	1 space per 200 square feet of floor area
Private or Fraternal Clubs	1 space per 150 square feet of floor area
Religious Institution	1 space per 5 seats
Schools: Elementary School High School	2 spaces for each classroom 8 spaces for each classroom
Veterinary Clinic and Hospital	1 space for each 400 square feet of floor area, plus 1 space per each 800 feet of boarding area

Land Use Type: Residential	Spaces Required
Multifamily: Studio or one-bedroom Two-bedroom Three or more bedrooms	1 space per unit for first two (2) units, then 1.5 spaces per unit for any additional units 1.5 spaces per unit for first four (4) units, then 2 spaces per unit for any additional units 2 spaces per unit
Single-Family Detached, Attached, and Semi-Detached	2 spaces per unit. The first unit in a garage shall not count towards this requirement.
Land Use Type: Service Uses	Spaces Required

Bank	4 spaces per indoor teller window <ul style="list-style-type: none"> with walk-up ATM (as above, plus 2 per ATM) with drive-through window (as above, plus 2 per drive-thru lane)
Bed and Breakfast Inn and House	spaces plus 1 per guest or rental room
Car Wash	1 space for every 200 square feet of leasable floor area, plus 6 spaces for each stacking lane
Dry Cleaning	1 space for every 300 square feet of leasable floor area
Gas Station	1 space per pumping station. Convenience store or repair uses shall follow appropriate requirements.
Hotel/Motel	1 space per rental unit, plus floor area in common or public use (lobby, restaurant, bar, meeting room, ballroom, etc.) shall follow requirements for that use.
Medical Office	1 space for each 250 square feet of floor area
Office: For the C-3 District Other Areas:	No parking is required for the first 400 square feet of floor area, 1 space per each additional 300 square feet 1 space for every 300 square feet of floor area
Office Campus	1 space for each 350 square feet of floor area
Personal Services: For the C-3 District Other Areas:	No parking is required for the first 450 square feet of space devoted to sales/service, 1 space is required for each additional 250 square feet of space devoted to sales/service. 1 space for every 250 square feet of space devoted to sales/service
Repair Shop	1 space for every 200 square feet of leasable floor area
Self-Service Laundry	1 space for every 3 cleaning or drying machines
Service Station	1 space per 400 square feet of floor area or 3 spaces per service bay, whichever is greater

Section 1206. Shared Parking.

- A. Shared parking is permitted for one property with multiple uses and/or between multiple properties. A shared parking agreement (for 2 uses) or a shared parking district (for more than 2 uses), which involves a contractual agreement between users, is required. A share parking agreement allows users an opportunity, if they choose, to redesign parking lots to be more efficient in serving multiple users. This may consist of making new curb cuts between parking lots, restriping lots or redesigning internal traffic circulation and pedestrian walkways.
- B. Users shall be required to show shared parking is less than 1,000 feet from the use.
- C. Shared parking spaces must be located in parking lots.
- D. The minimum amount of shared parking required shall be calculated according to the following formula:
 1. Calculate the minimum amount of parking required for each land use as if it were a separate use.
 2. To determine peak parking requirements, multiply the minimum parking required for each

proposed land use by the corresponding percentage in the table below for each of the six time periods.

3. Calculate the column total for each of the six time periods.
4. The column (time period) with the highest value shall be the minimum parking requirement.

USES	Monday - Friday			Saturday and Sunday		
	8 A.M. - 6 P.M.	6 P.M.- Midnight	Midnight- 8 A.M.	8 A.M. - 6 P.M.	6 P.M.- Midnight	Midnight- 8 A.M.
Residential	60%	100%	100%	80%	100%	100%
Office	100%	10%	5%	5%	5%	5%
Commercial	90%	80%	5%	100%	60%	5%
Hotel	70%	100%	100%	70%	100%	100%
Restaurant	70%	100%	10%	70%	100%	20%
Movie Theater	40%	80%	10%	80%	100%	10%
Entertainment	40%	100%	10%	80%	100%	50%
Institutional (non-religious institution)	100%	40%	5%	10%	10%	5%
Religious institution	20%	40%	5%	100%	50%	5%

Section 1207. On-Site Parking Reduction.

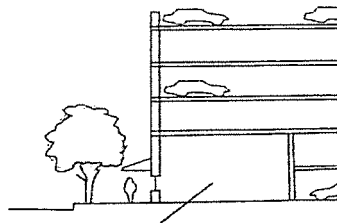
Required off-street parking may be reduced by up to 100 percent based on the following provisions. The applicant must provide a parking study that demonstrates that adequate parking spaces are supplied. Parking spaces can only be counted once.

- A. For any reduction applied, the applicant must demonstrate that parking is permitted in that location at the hours that will be required by the use.
 1. Residential uses must demonstrate that parking is permitted between the hours of 6:00 pm and 8:00 am.
 2. Non-residential uses may not count time-limited public spaces towards required employee parking.
- B. Required off-street parking for non-residential uses may be reduced by up to 50% if the main entrance of the use is located within 400 feet of a municipally owned public parking lot.
- C. The number of required off-street parking spaces for non-residential uses may be reduced by the number of on-street parking spaces provided directly along the frontage of the property on the same side of the street. If spaces are not delineated, one parking space may be counted per 22 feet of curb line along the frontage of the property where legal parking is permitted.
- D. The number of required off-street parking spaces for non-residential uses may be reduced by up to 25% with on-street parking spaces within 400 feet of the building's main entrance.
- E. Required off-street parking for non-residential uses may be reduced by up to 50% for a use located in a building that is listed on the national, state, or local register of historic places, or is eligible to be listed as such, or is a contributing part of a historic district.
- F. Requirements for off-street parking may be met in part or in full through a lease agreement or other arrangement with a parking area on another lot located within 750 feet of the main entrance. This provision shall be subject to the following conditions and standards:

1. Off-lot parking areas shall either be owned by the owner of the principal use lot or leased by said owner for a term equivalent to the life expectancy of the principal use or the principal use building or 20 years whichever is greater, or reserved by perpetual easement in favor of the owner of the principal use lot.
 2. Once established, the off-lot parking area and number of parking spaces provided shall not be reduced, modified, abandoned, or sold separately from the principal use lot. Any change which affects any of the conditions or standards imposed by this section shall be immediately reported to the Zoning Officer. Any change which results in the loss or reduction of off-lot parking permitted hereunder, shall immediately require a proportionate discontinuation of a corresponding portion of the principal use area.
 3. Safe, direct pedestrian access must be available to and from the off-lot parking area via public sidewalks, crosswalks, and/or other pedestrian accessways.
 4. Signage shall be provided to direct employees, customers/clients, and/or residents to the off-lot parking spaces.
- G. The provisions of shared parking as provided in Section 1206 may reduce the total number of spaces required.
- H. In a new development, on-street parking on new streets internal to the development may count towards the non-residential off-street parking requirements of this section.

Section 1209. Parking Garages.

- A. Retail store fronts or other business uses on the street level shall be required on Main and Broad Streets.



Retail store front within a parking garage

- B. For structures not on Main or Broad Streets, parking garages shall be set back 10-15 feet from the ultimate right-of-way unless the frontage is occupied by a retail or business use.
- C. Utilitarian appearances of parking structures are not permitted. Structures shall have design treatments such as colonnades, arcades, awnings, landscaping, street furniture, and other public amenities to create the appearance of an occupied building. Blank walls are not permitted.
- D. Cars shall be visually screened from adjacent buildings and the street and such screening shall be in keeping with the rest of the building's architectural style and materials.
- E. Vehicular access to parking garages shall be accessed from alleys, placed underground, placed in structures above the ground floor, or located behind or to the side of a building. (If located to the side of a building, the garage must be setback from the front of that building by 10-15 feet.)

Section 1210. Loading.

- A For new construction, service and loading areas shall be located to the side and rear of the building. Loading docks shall not be on the main street but to the side and rear of the building and shall be visually screened from the street and pedestrian ways.
- B. The location and size of loading areas shall be adequate for the safe maneuvering and parking of trucks that ingress and egress can occur on the lot without backing out onto a public street.
- C. Loading areas shall be lit to provide security and safety, however, the light shall be shielded to prevent glare onto adjacent properties.

[Amended: Ord. 623, 1/3/00, 1203; Ord. 672, 6/4/07, entire article; Ord. 19-741-03, July 1, 2019, entire article]

ARTICLE XIII
NONCONFORMING BUILDINGS, STRUCTURES AND USES

Section 1300. Nonconforming Buildings, Structures and Uses.

- A. Continuation. Any lawful building or other structure, or any lawful use of building or other structure or land, existing on the effective date of this ordinance, which does not conform with the provisions of this ordinance, shall be considered a lawful nonconforming building, structure or use, and may be continued, except as otherwise here provided.
- B. Extension. Any lawful nonconforming use of a portion of a building may be extended throughout the building, and any lawful nonconforming building or any building of which a lawful nonconforming use is made may be extended upon the lot occupied by such building and held in single and separate ownership on the effective date of this ordinance, provided that the area of such building shall not be increased by more than a total of 25 percent of the area of such building existing on the date it first became a lawful nonconforming building or a building of which a lawful nonconforming use is made, and provided further that any structural alteration, extension or addition shall conform with all height, area, width, yard and coverage requirements for the district in which it is located.
- C. Change. Any lawful nonconforming use of a building or land may be changed to another nonconforming use of the same or high classification, which shall thereafter not be subject to any further change except to a conforming use, and for such purpose a building may be extended in accordance with paragraph B of this section hereinabove. Whenever a nonconforming use of a building or land has been changed to a conforming use, such conforming use shall not thereafter be changed to a nonconforming use.
- D. Restoration. Any lawful nonconforming building or other structure which has been involuntarily damaged or destroyed by fire, explosion, windstorm or other similar active cause, to an extent of not more than 75 percent of its fair market value, may be reconstructed in the same location, provided that (1) the reconstructed building or structure shall not exceed the height, area or volume of the damaged or destroyed building or structure, except as provided in Paragraph B of this section hereinabove, and
(2) Reconstruction shall begin within one (1) year from the date of damage or destruction and shall be carried on without interruption.
- E. Abandonment. If a lawful nonconforming use of a building or other structure is abandoned or discontinued for a continuous period of one year or more, or if a lawful nonconforming use of land is abandoned or discontinued for a continuous period of six (6) months or more, subsequent use of such building or structure or land shall be in conformity with the provisions of this ordinance.
- F. Nonconforming Signs. Every lawful nonconforming sign shall be discontinued and removed, or changed to a conforming sign, within a period of two (2) years from the effective date of this ordinance, provided that signs, which, at the effective date of this ordinance, are maintained in connection with and upon the same lot as a lawful nonconforming use may be maintained or repaired with signs similar in size and character so long as such lawful nonconforming use continues, but may not be enlarged or otherwise substantially altered (nor may the illumination or lack of illumination thereof be changed) except in accordance with the regulations applicable to the district in which such lot is located. All signs shall comply with Section 1103 of Article XI herein.
- G. Zoning Hearing Board Approval of Change or Resumption. The Zoning Hearing Board shall have discretion to determine what change or resumption of a nonconforming use is of the same or higher classification and is permissible.

Section 1301. Lots Nonconforming as to Area and Width Regulations, and Lots of Unusual Dimensions.

When authorized as a special exception, a building may be erected or altered on any lot held in single and separate ownership on the effective date of this ordinance which is not of the required minimum area or width or is of such unusual dimensions that the owner would have difficulty in provided the required open spaces for the district in which the lot is situated.

Section 1302. Subdivisions Previously Approved.

In the case of a plot of land, a plan for the subdivision of which into two (2) or more parcels or lots for the purpose of development and sale has, prior to the effective date of this ordinance, been duly approved and recorded as required by law, which plan does not make provision for full adherence to the regulations of this ordinance governing minimum lot areas or widths, front, side or rear yards, or building coverage, but was in conformity with such regulations as were effective at the time such plan was approved and recorded, the development and sale contemplated by the plan may be proceeded with when authorized as a special exception. The Zoning Hearing Board shall have the power to grant a special exception which respect to the whole of such plot of land or any portion thereof.

[Amended: Ord. 623, 1/3/00, 1300.G]

**ARTICLE XIV
GENERAL PROVISIONS**

Section 1400. Public Utility Corporations.

This ordinance shall not apply to any existing or proposed building, or extension thereof, or to any land, used or to be used by a public utility corporation, if, upon petition of the corporation, the Public Utility Commission shall, after a public hearing, decide that the present or proposed situation or use of the building or land in question is reasonably necessary for the convenience or welfare of the public.

Section 1401. Gasoline Filling Station Equipment.

- A. Building, exclusive of pump islands, shall face the primary street access.
- B. All activities except those to be performed at the fuel and air pumps shall be performed within a completely enclosed building.
- C. Minimum setback of pump islands is 50 feet from the curb line of the street, 80 feet from residentially- zoned properties or use, and 30 feet from all other property lines.
- D. Minimum setback of parking from fuel pumps is 30 feet.
- E. Fuel pump areas shall not interfere with parking spaces or internal circulation. In developments with multiple uses, the fuel pump area shall be separated from the parking and internal circulation of the other uses.
- F. Canopies shall comply with the following standards:
 - 1. Canopies shall be set back at least 15 feet from property lines, 25 feet from the curblines of the street, and 50 feet from residentially-zoned property or use.
 - 2. Canopies shall have a maximum height of 16 feet measured to the under-side of the canopy.
 - 3. The clearance height of canopies shall be clearly marked.
 - 4. Individual canopies shall have a maximum area of 3,600 square feet.
 - 5. Multiple canopies shall be separated by a minimum distance of 15 feet.
 - 6. Lighting for canopies shall be recessed so that the bottom of the lighting fixture is flush with the underside of the canopy, using full cutoff flat lens luminaires.
 - 7. Canopies shall be designed to be architecturally compatible with the architecture of the neighboring community.

Section 1402. Reduction of Lot.

No lot areas shall be so reduced that the area of the lot, or the dimensions of the open spaces, shall be smaller than herein prescribed.

Section 1403. Modification of Front Yard Requirements.

- A. Where an unimproved lot is situated between two (2) improved lots having on each a principal building within 25 feet of the side boundary line of such unimproved lot, which extends into the required front yard of each such unimproved lot and has been so maintained since the effective date of this ordinance, the front yard depth of such unimproved lot may be the average depth of the front yards of such two (2) adjacent improved lots, notwithstanding the yard requirements of the district in which it is located.

- B. Where an unimproved lot adjoins only one (1) improved lot having a principal building thereon within 25 feet of the common side lot line which extends into the required front yard of such improved lot and has been so maintained since the effective date of this ordinance, the front yard depth of such unimproved lot may be the average depth of the front yard of such adjacent improved lot and the front yard required for the district in which such unimproved lot is located notwithstanding the yard requirements for such district.

Section 1404. Management of Common Land Areas.

- A. Requirements. Regardless of the proposed land usage, any land area to be owned or managed by an association, residents group, individual or any other organization shall first require the specific approval and execution of required agreements by the Borough Council.
- B. Purpose. The purpose of the agreements shall be to insure that all common use areas—including but not limited to parking, streets, open space and recreation, retention basins and utility services—shall be adequately protected and to release the borough from any responsibility for such areas except as may have been agreed to.
- C. Preliminary Plan. The applicant of any proposed development in which common land areas are proposed shall at the time of submission of the preliminary plan delineate;
 - 1. The location and dimensions of land areas proposed for common usage.
 - 2. The size and specific use of each area.
 - 3. Which areas, if any, are proposed for public dedication.
 - 4. Type of ownership and management planned for the common land area. Borough Council, at the time of approval of the preliminary plan, shall indicate those areas, if any, it is willing to accept for dedication.
- D. Final Plan. For common land areas proposed for ownership other than by an individual or the borough, the applicant at the submission of the final plan, present documents creating and governing a property owners' organization and containing a declaration of covenants, restrictions, easements, charges and liens deemed necessary to own, manage, and maintain the common land areas and any associated recreation facilities. All documents and terms relating to the association, organization or articles of incorporation shall be subject to the approval of the Borough Solicitor. The documents shall contain, as a minimum, the following essential provisions:
 - 1. Powers and duties in maintaining and administering common land areas.
 - 2. Membership and voting rights.
 - 3. Establishment of bond as required by the Subdivision Regulations to guarantee the initial construction and installation of all recreation facilities within the open space areas.
 - 4. Rights and duties of the Borough of Souderton, members of the organization and other residents of any proposed development in the event of non-payment or failure to perform. In any breach of covenant or restriction, or failure to maintain the common land areas in reasonable order or condition, the duly constituted organization, the borough, and any other parties of interest shall be guided by the provisions of Section 705(d) of the Pennsylvania Municipalities Planning Code.
 - 5. The Recording of any deed along with restrictions, and plan of common land areas identifying the improvements thereon, shall be executed by or on behalf of the interested parties before the sale of any land or the issuance of building permits.

Section 1405. Projections into Required Yards.

No building and no part of a building shall be erected within or shall project into any required yard in any district, except that:

- A. An unenclosed porch, not more than 14 feet in height, may be erected to extend into a required front or rear yard a distance of not more than 10 feet, or into a required side yard a distance of not more than four (4) feet, provided that in no case shall it extend into such front, rear or side yard more than one-half of the required depth of the yard.
- B. A terrace, platform or landing place, not covered by a roof, canopy or trellis, which does not extend above the level of the first floor of the building, may be erected to extend into a required yard a distance of not more than 12 feet provided that it shall not extend into such yard more than 40 percent of the required depth or width of the yard.
- C. A buttress, chimney, cornice, pier or pilaster of a building may project not more than 30 inches into a required yard.
- D. Open, unenclosed fire escapes, steps, bay windows, balconies and pent roofs may project not more than four (4) feet into a required yard.

Section 1406. Obstructions to Vision at Intersections Prohibited.

On any lot, no wall, fence or other structure shall be erected, altered or maintained and no hedge, tree, shrub or other growth shall be planted or maintained over three (3) feet in height, which will interfere with or obstruct vehicle or pedestrian vision at any intersection of streets or any street and crosswalk measured along the street centerlines a distance of 75 feet from the intersection of streets.

Section 1407. Height Limitation of Fences and Walls.

- A. Application and Issuance of Permit.
 - 1. Application for a fence or retaining wall shall be completed on the form provided by the Borough Code Enforcement Officer and include a diagram of the area to be fenced or enclosed. No fence or retaining wall shall be erected until such work is approved by the Borough Code Enforcement Officer, a permit issued, and the required fees paid to the Borough of Souderton.
- B. All fences or walls shall be erected outside of the legal right-of-way.
- C. Fences erected in the front yard shall not exceed four (4) feet in height. Fence material proposed shall be 50 percent open, such as post and rail fencing.
- D. Fences erected in the side or rear yards shall not exceed six (6) feet in height.
- E. A clear sight triangle shall be provided for all corner lots where a fence meets at an intersection.
- F. All fences shall be erected with the finished side of the fence facing adjacent properties or streets. The finished side shall be considered the side without the structural support.
- G. Chain link or wire mesh fences shall be erected with accompanying landscaping such that the fence shall be imperceptible from such landscaping from any viewpoint on adjacent properties and/or the street.
- H. No fence with barbed wire, spikes, nails or other sharp objects shall be permitted. No fence with electrical current is permitted.
- I. Fences shall be erected only at the natural grade of the property and shall not be erected on berms or artificial mounds.

Section 1408. Accessory Uses.

Accessory uses authorized in this Ordinance shall include, but not by way of limitation, the following:

- A. Uses Accessory to Agriculture. Greenhouses, roadside stand for sale of products produced on the premises; barn; preparation of products produced on the premises for use and the disposal thereof by marketing or otherwise.
 - 1. The keeping of horses, livestock, poultry or fowl, other than pigs, provided that the premises shall contain not less than three (3) acres and provided that all buildings, pastures, yards and portions of the premises used for said domestic animals, livestock, poultry or fowl shall be situated not less than 100 feet from any road line or property line of an adjoining lot.

- B. Uses Accessory to Dwellings.
 - 1. Private garage, private parking space, private stables, barn, shelter for pets, tools and small sheds.
 - 2. Private greenhouses.
 - 3. Professional office or studio of a doctor, dentist, healer, teacher, artist, architect, landscape architect, musician, lawyer, engineer, magistrate or practitioner of a similar character, or rooms for the home occupations listed below, provided that office, studio or rooms, are located in a building in which the practitioner resides and provided further that no goods are publicly displayed on the premises.
 - a. The following home occupations shall be allowed:
 - 1) Custom dressmaking, millinery, tailoring, sewing of fabric for custom apparel and custom home furnishings.
 - 2) Foster family care.
 - 3) Any office in which chattels, goods, wares or merchandise are not commercially created, exchanged or sold.
 - 4) Tutoring.
 - 5) Fine arts studio in which are created only individual works of art.
 - 6) Home day care for not more than six (6) children unrelated to the caregiver.
 - 7) Beauty parlor or barber shop.
 - b. The following regulations and standards shall apply:
 - (1) The area used for the practice of the above shall occupy no more than 15 percent of the gross floor area of the dwelling unit.
 - (2) No other persons except a resident of the dwelling shall practice the occupation therein. There shall not be more than one home occupation per dwelling.
 - (3) No more than two persons shall be employed by the practitioner to provide secretarial, clerical or other assistance.
 - (4) Two (2) paved off-street parking spaces shall be required in addition to those required for residential dwelling use and shall not be located within the minimum front yard area prescribed for the district in which located.
 - (5) No retailing shall be permitted from the premises.
 - c. Uses authorized in this Ordinance as accessory to a dwelling shall not be deemed to include a hospital, clinic, animal hospital, mortuary, other personal service shops, or hotel, or any similar use.

- d. Uses accessory to the public park, etc. Customary recreational, refreshment and service uses and buildings in any public park, reservation, playground or other recreational area.
- 4. The renting of one (1) room within the dwelling in which the lessor resides to a maximum of two (2) non-transient persons without table board for a minimum term of one (1) month is permitted within single-family detached and single-family semi-detached dwellings only.
- 5. When authorized as a special exception by the Zoning Hearing Board and when accessory to a single-family detached or single-family semi-detached dwelling only, one (1) separate living area including cooking facilities may be provided for no more than two (2) persons related to the principal occupant of the single-family detached dwelling by blood, marriage, or adoption, provided that no change is made in the area covered by the building in which housed, and provided further that said use is registered with the Zoning Officer, subject to written agreement, to be recorded, to remove said cooking facilities at the time said facilities are no longer utilized by said persons related to the principal occupant as aforesaid.
- 6. Accessory Structures (includes buildings):
 - a. Structures accessory to a permitted use shall not be permitted within the required front yard of a lot and, with the exception of a detached garage, shall not be permitted on that portion of the lot between the principal building and the lot line at abuts a street right-of-way.
 - b. On reverse frontage lots, structures accessory to a permitted use shall not be permitted within 25 feet to the rear lot line adjoining the right-of-way of the arterial or collector street.
 - c. Where a district requires building setbacks from streets to which the district abuts or from property lines or which the district abuts, no structures accessory to a permitted use shall be permitted within the designated setback area.
- 7. Residential swimming pool for use of family and guests only.

Section 1409. Trailers.

No trailer camp shall be permitted in any residential district.

Section 1410. Access to Public Street.

Each and every lot shall abut an ordained public street with frontage on each lot not less than the required lot width established for the zoning district.

Section 1411. Removal of Topsoil.

The permanent removal of topsoil from any parcel of land within the borough shall be prohibited, except as follows:

- A. During actual construction on premises, that portion of the topsoil present which covers an area to be occupied by permanent structures or permanently located materials of an impervious nature may be considered excess and may be removed by the owner.
- B. During regrading operations conducted upon premises, whether or not carried on in conjunction with on-site construction, excess topsoil remaining after restoring proper topsoil cover to the areas of the parcel upon which regrading operations were conducted may be removed by the owner.

Section 1412. Automobile Graveyards or Junkyards.

No automobile graveyard or junkyards of any type, whether encompassing all or a portion of any premises, shall be permitted in any district.

Section 1413. Towers.

Towers for communication purposes shall be permitted only as an accessory use to a permitted principal use on the same lot. Communication towers shall be subject to all the required yard and setback requirements applicable to principal buildings and shall not exceed the height limitation in the district where located unless authorized by special exception.

Section 1414. Buffer Areas and Landscaping or Paving Facilities. (Repealed)

Section 1415. Submission of Plans.

Submission of plans shall be required in all zoning districts. Proposals for one and two-family dwellings and structures accessory to residential uses shall be exempted. The following regulations shall govern the character and submission of plans:

- A. Preliminary plans shall be submitted to the Borough Council for preliminary approval showing the general layout of the total area and the type of building and/or buildings to be erected.
- B. Final plans shall be submitted to the Borough Council for approval, showing the layout of the total area, and shall include, inter alia, the following:
 1. The scale shall not be less than one (1) inch equals 50 feet, with contours at 2-foot intervals and showing all topographical features.
 2. A plot plan of the lot showing the locations of all present and proposed buildings, sidewalks and other areas devoted to pedestrian use, loading and unloading areas, drives, parking lots, waste disposal and storage facilities, and other constructional features on the lot; and all buildings, streets, alleys, highways, streams and other topographical features on the lot and within 200 feet of any lot line.
 3. Description and architectural plans of any proposed buildings or change in existing buildings.
 4. A description of the use and/or operations proposed in sufficient detail to indicate the effects of those uses and/or operations in producing traffic congestion, noise, glare, air pollution, water pollution, thermal pollution and fire hazards and whether any part of the use and/or operation will be conducted on the outside of any building.
 5. Engineering and architectural plans for the connections to public water and public sewerage lines and for the pretreatment, if required, of any sewage or industrial waste before its discharge into public sewer lines.
 6. Engineering and architectural plans for the treatment and disposal of waste other than that which will be discharged into the public sewer lines. Outdoor facilities for waste storage shall be provided with a minimum six (6) feet height opaque enclosure on all sides.
 7. Engineering and architectural plans for the handling of any traffic, noise, lighting, glare, air pollution, water pollution, thermal pollution, water consumption, fire hazard and safety hazard.
 8. Designation of the fuel proposed to be used and any necessary architectural and engineering plans for controlling smoke, dust and dirt, fly ash, fumes, vapors and gases.
 9. The proposed hours of operation, the number of shifts to be worked and the maximum number of employees on each shift and the parking lot requirements, both present and future.
 10. Engineering plans and reports for the control and disposal of surface drainage.
 11. Statement from the appropriate sewer authority authorizing connection of the premises to its sewer and indicating it will receive the type of effluent to be generated upon the premises.
 12. Any other pertinent data or evidence that the Borough Council may require.

- C. Upon receipt of plans under this subsection, the Borough Council shall have the power of approval or disapproval of these plans. The secretary of the Borough Council shall notify, in writing, the Zoning Officer of its final decision and any special conditions regarding the proposed use and/or operation.
- D. When development is anticipated to occur in several phases over a number of years, the applicant shall include a phasing plan that explains, both verbally and graphically, how the development will be phased. The phasing plan shall include a detailed explanation of the sequence, timing, and responsibility for construction of the necessary improvements; including but not limited to building areas, landscaping, pedestrian improvements, streets, utilities, drainage improvements, and parking. If the first phase of development does not include a mix of uses, assurances are required to ensure that subsequent phases of development occur within a timely manner and so that the required land uses mix and required common amenities, such as open space, landscaping, and recreational facilities are provided before the completion of the project. The form and amount of the assurances will be determined by the Borough Council based upon the specifics of the project. [July 1, 2019]

Section 1416. Conformance with Other Codes.

All buildings and structures shall comply with the Building, Electrical and Plumbing Codes and any amendments thereto of the Borough of Souderton.

Section 1417. Driveways.

All driveways shall be a minimum of four (4) feet from the side or rear lot line in all districts.

Section 1418. Regulations of Satellite Dishes.

- A. Not more than one satellite dish may be mounted on the roof of the principal building on each lot provided that the height limitation of the district is not exceeded by the roof-mounted satellite dish.
- B. Ground-Mounted Satellite Dish. A satellite dish may be placed on a lot as an accessory use to a permitted principal use provided that the installation shall conform to all of the setback, height, yard and coverage requirements of the district where located.

Section 1419. Living Space.

The minimum living space as provided in this ordinance shall not be less than 750 square feet for a single-family detached dwelling.

Section 1420. Outdoor Dining Area.

- A. Applicants must obtain an outdoor dining permit. Applications for an Outdoor Dining Area permit shall include the following information:
 - 1. Street address of proposed Outdoor Dining Area location.
 - 2. A diagram showing the existing area proposed for Outdoor Dining Area use including existing plantings, light poles, signage, etc.
 - 3. A diagram showing the proposed layout of the Outdoor Dining Area including the proposed locations of tables, chairs, umbrellas, enclosures, planters, etc.
- B. Outdoor Dining Areas shall comply with the following design and placement standards:
 - 1. Furnishings for Outdoor Dining Areas shall be limited to tables, chairs, reservation podiums, portable heaters, trash and recycling receptacles, and decorative accessories such as umbrellas and planters, or similar items. Furnishings shall be made of durable materials and kept in a state of good repair and in a clean and safe condition at all times.

2. Umbrellas shall be sufficiently weighted so as to avoid displacement by wind.
3. Planters, posts with ropes, or removable enclosures as approved by Borough Council, may be used as a way of defining the area occupied by the Outdoor Dining Area, provided such enclosures do not exceed four (4) feet in height.
4. Advertising or promotional features shall be limited to umbrellas and canopies, except as permitted in Article XI-Signs.
5. Refuse facilities shall be provided in the Outdoor Dining Area and trash shall be continually cleaned by the restaurant staff.
6. The Outdoor Dining Area must be kept sanitary, neat and clean at all times. It shall be free from accumulations of food, litter, snow, ice, and other potentially dangerous or unsanitary matter.
7. All Outdoor Dining Elements must be clean and maintained in a state of good repair.
8. No Outdoor Dining Elements shall be attached, chained, or in any manner affixed to any tree, post, sign, or other Borough-owned fixture. No Outdoor Dining Elements shall be permanently attached to the sidewalk, building, or any other permanent feature of the area where outdoor dining will take place.
9. Where the Outdoor Dining Area abuts a street, alley, driveway, or parking area, the applicant shall provide bollards to protect Outdoor Dining Area customers. The bollards shall meet all borough standards and shall be attractively landscaped or otherwise incorporated into the design of the Outdoor Dining Area as approved by the Borough.
10. An Outdoor Dining Area must be set back 40 feet from the parcel line of a property in the R-1, R-2, R-3 (Residential) or GA (Garden Apartment) zoning districts.

C. In addition to the foregoing, the following standards shall apply where the Outdoor Dining Area is located on any part of a public sidewalk:

1. Outdoor Dining Areas shall not impede pedestrian traffic flow. Outdoor Dining Areas shall be located adjacent to the building storefront façade and an unobstructed pathway of at least five (5) feet in width shall be maintained between the Outdoor Dining Area and the curb. Outdoor Dining Areas shall not obstruct clear pedestrian access to and from the building entrance(s).
2. Where an Outdoor Dining Area incorporates ten (10) or more tables and/or serves alcoholic beverages, the Outdoor Dining Area shall be enclosed, subject to the standards set forth in this Article.
3. The drip line of all umbrellas shall be at least seven (7) feet above the sidewalk.
4. If Outdoor dining Elements located in the Right-Of-Way are not used for a period of 21 consecutive days, they shall be removed from the Right-Of-Way.
5. The public sidewalk shall be kept clean and the sweeping of debris into the gutter is prohibited.

Section 1421. Car Wash.

- A. All car-washing and drying facilities shall be located entirely within an enclosed and roofed building.
- B. Automated car washes shall provide sufficient on-site stacking lanes to accommodate a minimum of ten (10) automobiles waiting to be washed and seven (7) spaces for cars exiting the facility.
- C. Self-service car wash facilities shall provide sufficient on-site stacking lanes to accommodate a minimum of four (4) automobiles for the first washing bay and one automobile for each additional washing bay on the site.
- D. One (1) parking space per vacuum, or other special service area other than washing areas, shall be provided.
- E. Car wash facilities contain on-site drainage systems designed to prevent water runoff and freezing on parking and travel lanes, streets, and adjoining properties.
- F. Car wash bay doors may not directly face the street.

Section 1422. Drive-Through Facilities.

- A. Minimum number of stacking spaces required:
 - 1. Restaurants: ten (10) spaces per drive-through window.
 - 2. All other uses: six (6) spaces per drive-through window.
 - 3. Stacking lanes shall not interfere with parking spaces or the internal and external circulation of the site.
- B. Drive-through window(s) and stacking lanes shall face the rear and/or side yard of the lot.
- C. Pedestrian entryways must be located a minimum of 20 feet from the drive-through window(s).
- D. Where drive-through stacking lanes are perpendicular to a parking lot, a clearly marked crosswalk of a physical form sufficient to alert drivers of potential pedestrian/vehicle conflicts shall be provided.

[Amended: Ord. 669, 5/7/07, 1407; Ord. 673, 6/4/07, 1414; Ord. No. 15-718-01, 8/3/2015, 1401, 1420, 1421]

**ARTICLE XV
ADMINISTRATION**

Section 1500. Zoning Officer.

The provisions of this ordinance shall be enforced by the Zoning Officer, who shall also be the Building Inspector, with the aid of the police department and other municipal agencies. The Zoning Officer shall be appointed by the Borough Council according to procedures set forth by the borough. He may hold another office in the borough.

Section 1501. Duties and Powers.

It shall be the duty of the Zoning Officer and he shall have the power to:

- A. Keep a permanent record of all plans and applications for permits, and all permits issued with notations as to special conditions attached thereto. All records shall be open for public inspection and shall be the property of the borough.
- B. Review applications for zoning permits for erections or alterations of structures or changes of use, determine whether such construction or use is in accordance with the general requirements of this ordinance, all other applicable ordinances, and with the laws and regulations of the Commonwealth.
- C. Conduct inspections and surveys to determine compliance or noncompliance with the terms of this ordinance. In carrying out such surveys, the Zoning Officer or his representative may enter upon any land or buildings, after properly notifying all occupants of his intentions.
- D. Make written orders requiring compliance with the provisions of this ordinance to be served personally or by registered mail.
- E. Institute proceedings in courts of proper jurisdiction for the enforcement of provisions of this ordinance.
- F. Maintain a map showing the current zoning classification of all land.
- G. Maintain a map and register showing the registration, identity, location and type of all non-conforming uses.
- H. Participate, in the Zoning Officer's discretion, in all proceedings before the Zoning Hearing Board, present facts and information to assist the board in reaching a decision.
- I. The Building Inspector (Zoning Officer) shall have the authority to issue permits only for the construction and uses which are in accordance with the requirements of this ordinance. Permits for construction and uses which as a special exception shall be issued by the Zoning Officer only upon order of the Zoning Hearing Board.
- J. The Zoning Officer shall issue no permits for the construction or use of any land or buildings unless it also conforms to the requirements of all other applicable ordinances of the Borough of Souderton and the laws of the Commonwealth.

Section 1502. Requirement of Building Permits.

No building shall be constructed or altered in the borough or the use of any building changed, nor vacant land occupied until a building permit is secured from the Zoning Officer. Upon completion of the work authorized by any permit the applicant or owner shall notify the Zoning Officer of said completion. No permit shall be

considered as complete or permanently effective until the Zoning Officer has noted on the permit that the work has been inspected and approved as being in conformity with the provision of this ordinance.

Section 1503. Application for Building Permits.

All applications for building permits shall be made in writing on forms furnished by the borough and shall be accompanied by a plot plan prepared by a registered engineer or land surveyor showing the exact size and location of any building or other structures existing on the lot in question or upon abutting land within 50 feet of the side and rear lot lines of such lot, and the lines within which the proposed building or other structure shall be erected or altered. There shall in addition be included with all applications such other plans, documents and information as may be necessary to enable the Zoning Officer to ascertain compliance with this ordinance and all other pertinent ordinances. No building permit shall be issued for any lot unless said lot is on a street ordained by ordinance duly adopted by the Borough Council of the Borough of Souderton.

Section 1504. Issuance of Building Permits.

No building permit shall be issued until the Zoning Officer has certified that the proposed building, structure or alteration complies with the provisions of this ordinance and other applicable ordinances. Upon completion of the erection, addition to, or alteration of any building, structure or portion thereof authorized by any building permit obtained in compliance with this ordinance, and prior to use or occupancy, the holder of such permit shall notify the Zoning Officer of such completion.

Section 1505. Issuance of Occupancy Permits.

An occupancy permit shall be required prior to the occupation of a newly erected building or structure, or change of use of land, building or structure, or change of ownership of a building or structure. Application for an occupancy permit shall be made to the Building and Zoning Officer upon completion of the erection, addition to or alteration of any building, structure or portion thereof authorized by any building permit obtained in compliance with this ordinance. Application for an occupancy permit for a change in ownership shall be made to the Building and Zoning Officer not less than 30 days prior to the proposed change in ownership. The application shall contain all information necessary for the Zoning Officer to determine whether the structure or use conform to the provisions of this ordinance. No occupancy permit shall be issued until the Building and Zoning Officer finds that the structure, building, alteration, or use complies with the provisions of this ordinance, the Subdivision Ordinance, the Building Code of the Borough of Souderton, and any other ordinances or regulations in effect at the time of the application.

Section 1506. Issuance or Refusal of Permits.

If the Zoning Officer determines that an application is in compliance with the provisions of this ordinance, it shall be his duty to issue the appropriate permit; and if he determines that an application is not in compliance with the provisions of this ordinance, it shall be his duty to refuse the permit, in which case he shall instruct the applicant in the method of appeal or application to the Zoning Hearing Board.

Section 1507. Special Exceptions.

If the applicant desires the Zoning Hearing Board to grant a special exception, then, in addition to the information required in Section 1605 he shall state the nature of the special exception and the basis on which approval is sought.

Section 1508. Appeals.

An appeal from the decision of the Zoning Officer shall be taken within 30 days.

Section 1509. Fees.

The applicant for a permit shall, at the time of making the application, pay to the Zoning Officer for the use of

the borough a fee in accordance with a fee schedule adopted by resolution of the Borough Council upon enactment of this ordinance, or as such schedule may be amended by resolution of the Borough Council.

Section 1510. Commencement of Work.

It shall be unlawful for any person to commence work for the erection or alteration of any building until a building permit has been duly issued therefor.

**ARTICLE XVI
ZONING HEARING BOARD**

Section 1600. Appointment.

The Borough Council of the Borough of Souderton shall appoint a Zoning Hearing Board consisting of three members and the terms of office of each member shall be three (3) years. The terms of office shall be fixed so that the term of office of one (1) member shall expire each year. The Borough Council may appoint by resolution not less than one (1) nor more than three (3) residents of the borough to serve as alternate members of the Zoning Hearing Board subject to the following:

- A. The term of office of an alternate member shall be three (3) years.
- B. Alternate members shall hold no other office in the Borough of Souderton.
- C. Alternate members may participate in any proceeding or discussion of the Zoning Hearing Board, but shall not be entitled to vote as a member of the Zoning Hearing Board unless designated as a voting alternate member.
- D. If by reason of absence or disqualification of members of the Zoning Hearing Board, a quorum is not reached, the chairman of the Zoning Hearing Board shall designate as many alternate members of the Zoning Hearing Board to sit on the Zoning Hearing Board as may be needed to provide a quorum. Any alternate member of the Zoning Hearing Board so appointed shall continue to serve on the Zoning Hearing Board in all proceedings involving the matter for which the alternate member was initially appointed until the Zoning Hearing Board has made a final determination of the matter.

Section 1601. Vacancies.

The Board shall promptly notify Borough Council of any vacancies which occur. Appointments to fill the vacancies shall be only for the unexpired portion of the term.

Section 1602. Eligibility.

Members of the Zoning Hearing Board shall hold no other office of the Borough of Souderton.

Section 1603. Removal.

Any board member may be removed for malfeasance, misfeasance or nonfeasance in office or for other just cause by the majority vote of the Borough Council, taken after the member has received 15 days advance notice of the intended vote. A hearing shall be held in connection with the vote if the member shall request it in writing.

Section 1604. Organization of the Board.

- A. Officers. The board shall elect its officers from its own membership. Officers shall serve annual terms and may succeed themselves.
- B. Quorum. For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all members of the board, but the board may appoint a hearing officer from its own membership to conduct any hearing on its behalf.
- C. Rules and Procedures. The board shall adopt, and may amend, rules and forms of its procedure consistent with ordinances of Borough of Souderton and laws of the Commonwealth.
- D. Records. The board shall keep full public records of its business, including the vote of each member

upon each question, and shall submit a report of its activities to the Borough Council once a year.

Section 1605. Functions.

The Zoning Hearing Board shall have the following duties:

- A. Appeals from the Zoning Officer. The board shall hear and decide appeals where it is alleged by the applicant that the Zoning Officer failed to follow prescribed procedures or has misinterpreted or misapplied any provisions of a valid ordinance or map or any valid rule or regulations governing the action of the Zoning Officer. Nothing contained herein shall be construed to deny to the appellant the right to proceed directly in court, where appropriate, pursuant to PA R.C.P, Section 1091 to 1098 relating to mandamus.
- B. Challenge to the Validity of Any Ordinance or Map. Except as provided in Section 1605.D relating to variances, the board shall have no power to pass upon the validity of any provisions of an ordinance or map adopted by the governing body. The board may hear all challenges where in the validity of the ordinance or map presents any issues of fact or of interpretation, not hitherto properly determined at a hearing before another competent agency or body, and shall take evidence and make a record thereon. At the conclusion of the hearing, the board shall decide all contested questions of interpretation and shall make findings on all relevant issues of fact which shall become part of the record on appeal to the court.
- C. Challenges to the Subdivision and Land Development Ordinance. Challenges to the validity of a subdivision and land development ordinance and appeals from any action of the zoning officer thereunder shall be governed by Section 1605.A and B, but when the planning agency or governing body had held a hearing upon an application for development under the Subdivision and Land Development Ordinance, such hearing shall be deemed in lieu of a hearing by the board provided for under Section 1605.B.
- D. Variances. The board shall hear requests for variances where it is alleged that the provision of the Zoning Ordinance inflict unnecessary hardship upon the applicant. The board may by rule prescribe the form of application to the Zoning Officer. The board may grant a variance provided the following findings are made where relevant in a given case:
 - 1. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the Zoning Ordinance in the neighborhood or district in which the property is located;
 - 2. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
 - 3. That such unnecessary hardship has not been created by the applicant.
 - 4. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and
 - 5. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

In granting any variance, the board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this act and the Zoning Ordinance.

- E. Special Exceptions. The board shall hear and decide requests for special exceptions to the terms of the ordinance. In considering requests for special exceptions, the borough shall be governed by the following criteria:
1. Consider the suitability of the property for the use desired. Assure itself that the proposed change is consistent with the spirit, purpose and intent of the Zoning Ordinance.
 2. Determine that the proposed change will not substantially injure or detract from the use of the neighboring property or from the character of the neighborhood and that the use of the property adjacent to the area included in the proposed change or plan is adequately safeguarded.
 3. Determine that the proposed change will serve the best interests of the borough, the convenience of the community (where applicable), and the public welfare.
 4. Consider the effect of the proposed change upon the logical, efficient and economical extension of public services and facilities such as public water, sewers, police and fire protection, and public schools.
 5. Consider the suitability of the proposed location of the use with respect to probable effects upon highway traffic, and assure adequate access arrangements in order to protect major streets from undue congestion and hazard.
 6. Be guided in its study, review and recommendations by sound standards of subdivision practice where applicable.
 7. Impose such conditions, in addition to those required, as are necessary to assure that the intent of the Zoning Ordinance is complied with, which conditions may include, but are not limited to, harmonious design of buildings, planting and its maintenance as a sight or sound screen the minimizing of noxious, offensive or hazardous elements, adequate standards of parking, and sanitation.
 8. An applicant for a special exception shall have the burden of establishing the following to the satisfaction of the Zoning Hearing Board:
 - a. That the application falls within the provision of the ordinance which accords to the applicant the right to seek a special exception; and
 - b. That the grant of the special exception will not, to a high degree of probability, adversely affect the health, safety and welfare of the community.

Section 1606. Expiration of Special Exceptions and Variances.

A special exception or variance shall expire if the applicant fails to obtain a permit within one (1) year of the date of authorization thereof.

Section 1607. Time Limitations.

The time limitations for raising certain issues and filing certain proceedings with the board shall be the following:

- A. No issue of alleged defect in the process of enactment of any ordinance or map or any amendment thereto shall be raised in proceeding filed with the board later than 30 days from the time such ordinance, map or amendment takes effect unless the person raising such issue alleges and proves that he failed to receive adequate notice of the enactment or amendment. If such person has succeeded to his interest after the enactment of the ordinance, adequate notice to his predecessor in interest shall be deemed adequate notice to him.
- B. No person shall be allowed to file any proceeding with the board later than 30 days after any application for development, preliminary or final, has been approved by an appropriate municipal official, agency

or body if such proceeding is designed to secure reversal or to limit the approval in any manner unless such person alleges and provides that he failed to receive adequate notice of such approval. If such person has succeeded to his interest after such approval, adequate notice to his predecessor in interest shall be deemed adequate notice to him.

Section 1608. Stay of Proceedings.

Upon filing of any proceeding and during its pendency before the board all land development pursuant to any challenged ordinance, order or approval of the Zoning Officer or of any agency or body, and all official action thereunder shall be stayed unless the Zoning Officer or any other appropriate agency or body certifies to the board facts indicating that such stay would cause imminent peril of life or property, in which case the development or official action shall not be stayed otherwise than by a restraining order. When an application for development, preliminary or final, has been duly approved and proceedings designed to reverse or limit the approval are filed with the board by persons other than the applicant, the applicant may petition the court having jurisdiction of zoning appears to order such persons to post bond as a condition to continuing the proceedings before the board. The question whether or not such petition should be granted and the amount of the bond shall be within the sound discretion of the court.

Section 1609. Appeal to Court.

Appeals from the decisions of the Zoning Hearing Board may be taken to the Court of Common Pleas of Montgomery County by any party before the board, or any office or agency of the borough. All zoning appeals shall be filed not later than 30 days after issuance of notice of the decision or report of the board. Such zoning appeals shall set forth concisely the grounds upon which the appellant relies, verified to the extent that it contains averments of fact.

Section 1610. Expenditures.

Within the limits of funds appropriated by the Borough Council, the board may employ or contract for secretaries, clerks, legal counsel, consultants and other technical and clerical services.

Section 1611. Technical Assistance.

The Zoning Hearing Board in considering any matter within its jurisdiction may consult with the Souderton Borough Planning Commission, the Montgomery County Planning Commission or any other specialist or groups of specialists having expert knowledge of the matter under consideration.

Section 1612. Advisory Review by Planning Commission.

At least ten (10) days before the date of hearing required by law for an application for special exception before the Zoning Hearing Board, the secretary of such board shall transmit to the Planning Commission a copy of the notice of hearing and other information as may have been furnished by the applicant or the Zoning Officer. The board shall not take final action on any special exception until it has received the advisory opinion of the Planning Commission, provided if an opinion is not received by the date of the hearing, the board shall make its decision.

Section 1613. Meetings.

Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings showing the vote of each member upon each question, or if a member is absent or fails to vote, indicating such fact and shall keep records of its examinations and other official actions all of which shall be immediately filed with the Borough Secretary and shall be a public record.

Section 1614. Rules of Procedure.

The board shall adopt rules of procedure in accordance with the several provisions of this ordinance as to the manner of filing appeals, applications for special exceptions and appeals for variances from the terms of this ordinance, and as to the conduct of the business of the board.

Section 1615. Conduct of Hearings.

The board shall conduct hearings and make decisions in accordance with the following requirements:

- A. Upon filing an appeal or application with the board as allowed by Article XVI, Section 1605, the board shall fix a time and place for a public hearing thereon which public hearing shall be held within 60 days from the date of the filing of the application unless the applicant has agreed in writing to an extension of time. Notice of such hearing shall be provided as follows:
 1. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing.
 2. Notice of the hearing shall be published once a week for two (2) successive weeks in a newspaper of general circulation in the borough. The first public shall be not more than 30 days and the second publication shall be not less than seven (7) days prior to the date of the hearing.
 3. Notice shall be mailed or served on the applicant and other parties in interest.
 4. Written notice shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.
 5. Notice of the hearing shall be mailed or served on Borough Council, the Borough Planning Commission, the Zoning Officer, and such other persons as Borough council may from time to time designate. When the Zoning Hearing Board shall so order, notice shall also be mailed or delivered to the owner if his residence is known or the occupier over every lot on the same street within 500 feet of the lot or building in question and every lot not on the same street within 150 feet of the lot or building provided that failure to give notice required by this paragraph shall not invalidate any action taken by the Board.
 6. Notice shall be mailed to every resident or residents association registered for the purpose, and to any other person who had made timely request for notice.
 7. Borough Council may establish reasonable fees based on costs to be paid by the applicant by persons requesting notice not required by the ordinance.

[Amended: Ord. 619, 5/3/1999, 1600]

**ARTICLE XVII
AMENDMENTS**

Section 1700. Power of Amendment.

The Borough Council may from time to time amend, supplement, change, modify or repeal this ordinance including the zoning map, by proceeding in the manner prescribed in this article.

Section 1701. Procedure.

Borough Council by resolution adopted at a regular special meeting shall fix the time and place for a public hearing on the proposed amendment and shall give notice thereof as follows:

- A. Not more than 60 nor less than seven (7) days prior to passage, the full text or a brief summary setting forth the principal provisions of the amendment in reasonable detail shall be published in one newspaper of general circulation in the Borough of Souderton setting forth the place in the borough where copies of the proposed amendment may be examined.
- B. Notice of the public hearing shall be published once a week for two (2) successive weeks, the first of which shall be not more than 30 and the second not less than seven (7) days prior to the date of the hearing.
- C. If the proposed amendment to the Zoning Ordinance involves a zoning map change, notice of the public hearing shall be conspicuously posted at points deemed sufficient by Borough Council along the perimeter of the tract. The affected tract or area shall be posted at least one week prior to the date of the hearing.
- D. At the discretion of Borough Council by mailing a notice to all property owners within 500 feet if only a particular area is involved. If the owners of the property or their respective addresses are unknown, Borough Council may direct the posting of the notice upon the dwelling, if one exists, otherwise at a conspicuous place on the property.

Section 1702. Application for Amendment.

Every application for amendment of the Zoning Ordinance shall first be presented to the Zoning Officer, and shall contain the following:

- A. The applicant's name and address and his representative, and the interest of every person represented in the application.
- B. A plan showing the extent of the area to be rezoned, streets bounding and intersecting the area, the land use and zone classification of abutting districts, and photographs of the area to be rezoned and abutting areas.
- C. A statement of the circumstances in the proposed district and abutting districts and any other factors on which the applicant relies as a reason for supporting the proposed rezoning.
- D. The approximate time schedule for the beginning and completion of development in the area
- E. The site plan to scale, indicating the locations of structures, uses, areas for off-street parking and loading.

Section 1703. Referral to the Planning Commission.

In the case of an amendment other than that prepared by the Planning Commission, the Borough Council shall submit such amendment to the Planning Commission at least 30 days prior to the hearing thereon to

provide the Planning Commission with an opportunity to submit recommendations. Such recommendations, however, shall not be binding.

Section 1704. Amendment Revision.

If, after any public hearing held upon a proposed amendment, such proposed amendment is revised, or further revised to include land previously not affected by it, the Borough Council shall hold another hearing pursuant to public notice before proceeding to vote on the revised amendment.

Section 1705. Compliance with Legislative Conditions.

If an application for an amendment to the zoning map or ordinance contains representations that a specified area will be developed in accordance with a given plan and time schedule and if the area is rezoned substantially as proposed in the applicant, Council shall fix conditions in the amendment so as to require performance of development in accordance with such plan and time schedule. Such conditions, among other things, shall provide that, upon a failure to develop the area in accordance with the conditions fixed by Council, no permits for the construction of any structure within the area shall be issued until the area has been examined by the Borough Council and zoned and rezoned for its most appropriate use. Any person, whether under disability or otherwise, who applies for a permit to erect a structure in the area shall be deemed conclusively to have assented to all conditions fixed by Borough Council.

Section 1706. Public Hearing.

Whenever the owners of 50 percent or more of (a) property owners within any district or (b) of the property owners of property fronting on the same street or streets, or abutting on the property sought to be changed, and situate within 1,000 feet of the property sought to be changed, shall present to the Borough Council, a petition duly signed and acknowledged, requesting an amendment, supplement, change, modification or repeal of the regulations prescribed, or of the zoning map, including such district, it shall be the duty of the Borough Council to hold a public hearing thereon and cause notice to be given.

Section 1707. Citizens' Protest.

In case of a protest against any proposed amendment, supplement, change, modification or repeal, signed by the owners of 20 percent, or more, either of the area of the lot included in such proposed change, or of those immediate adjacent in the rear, or in the front, or to either side thereof, extending 100 feet therefrom, such amendment shall not become effective except by favorable vote of three-fourths of the members of the Borough Council.

Section 1708. Charges.

For the purpose of defraying expenses of advertising, and other costs and expenses, applications for amendment shall be accompanied by cash payments to the borough in such amounts as may be fixed by resolution of Borough Council from time to time.

ARTICLE XVIII
NOTICE OF VIOLATIONS, PENALTIES, REMEDIES, FEES

Section 1800. Violations.

It shall be the duty of the Zoning Officer to take cognizance of violations of this ordinance. The Zoning Officer shall investigate each violation coming to his attention whether by observation or communication. Failure to second a zoning occupancy or use permit when required previous to the erection, construction, extension or addition to a building or change of use or change of ownership as provided in this ordinance, shall be a violation of this ordinance.

Section 1801. Notice of Violation.

Notice of violation shall be sent to the owner of record of the parcel on which the violation as occurred which notice shall state the following:

- A. The name of owner of record of the parcel and any other person against whom the borough intends to take action.
- B. The location of the property in violation.
- C. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of the ordinance.
- D. The date before which the steps for compliance must be commenced and the date before which steps must be completed.
- E. A notice that the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this ordinance for appeals to the Zoning Hearing Board.
- F. A statement that failure to comply with the notice within 30 days, unless extended by appeal to the Zoning Hearing Board, constitutes a violation of the ordinance.

Section 1802. Penalties.

Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this ordinance shall upon being found liable therefor in a civil enforcement proceeding commenced by the borough, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney's fees incurred by the borough as the result thereof. Each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney's fees collected for the violation of this ordinance shall be paid over to the borough.

Section 1803. Other Remedies.

In case any building, sign or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, sign, structure or land is used or any hedge, tree, shrub or other growth is maintained, in violation of this ordinance or of any regulations pursuant thereto, in addition to other remedies provided by law, any appropriate action or proceeding, whether by legal process or otherwise, may be instituted or taken to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, to percent the occupancy of said building or structure, or land, or to prevent any illegal act, conduct, business or use in or about such premises.

Section 1804. Fees.

The Borough Council shall adopt by resolution fees with respect to the administration of this ordinance and with respect to hearings before the Zoning Hearing Board.

ARTICLE XIX
C-3 COMMERCIAL-DOWNTOWN CORE DISTRICT

Section 1900. Intent.

The intent of the C-3 Commercial-Downtown Core District is to:

- A. Encourage economic development through the establishment of flexible standards that maintain the traditional Main Street environment and the community's unique identity.
- B. Encourage the retention of the historic Main Street streetscape by preserving the existing buildings to the greatest extent possible.
- C. Promote the reuse of existing structures in a manner that maintains the visual character and architectural scale.
- D. Ensure that new buildings, additions, and renovations are consistent with and enhance the surrounding streetscape.
- E. Encourage lively, human-scaled activity areas and gathering places for the community through encouraging a mix of uses.
- F. Establish a walkable community by promoting pedestrian orientation of streets and buildings and providing a safe and convenient interconnected sidewalk network.
- G. Accommodate parking in a convenient manner that does not interfere with the rhythm of the street.
- H. Encourage new buildings to locate adjacent to transit.
- I. Promote the implementation of Souderton's revitalization plans.

Section 1901. Uses.

A. Permitted Uses:

- 1. A mix of uses described in Section 1901.A.
- 2. Apartments, on the second floor or above.
- 3. Small scale retail establishment for the sale of dry goods, variety and general merchandise, clothing, food, drugs, household supplies, beverages, hardware, furnishings, antiques, baked goods, greeting cards, plants and flowers; and the sale and repair of jewelry, watches, clocks, optical goods, musical, professional and scientific instruments, but excluding drive-through facilities.
- 4. Business office, such as real estate sales, travel agency, insurance sales, advertising or retail copying and printing services.
- 5. Professional office, such as those for the practice of medicine or other health services, or for law, engineering, architecture, or accounting.
- 6. Personal service shop, such as tailor, barber, beauty salon, shoe repair, dressmaker, or dry cleaner (provided that no cleaning operations are performed on the premises).
- 7. Establishment serving food or beverages to the general public, such as restaurant, café, taproom, tavern, retail bakery, confectionery or ice cream shop, including walk-up windows, but excluding drive-through facilities.

8. Financial institution, such as a bank or savings and loan association, but excluding drive-through facilities.
9. Studio for dance, music, fitness, art or photography.
10. Gallery or museum.
11. Theater, including motion pictures and stage plays.
12. Bed and breakfast inn and bed and breakfast house.
13. Hotel.
14. Government administration uses, post office, community center, public library, offices for public utilities.
15. Transit facilities.
16. Public park, plaza, square, courtyard, urban garden, and public recreation areas.
17. Outdoor dining area subject to the standards in Section 1420 hereof.
18. Walk-up window.
19. Farmer's market.

B. Conditional Uses:

1. Undertaking establishments and funeral homes.
2. Private clubs and fraternal organizations.
3. Parking garages.
4. Historic structures as defined in Section 1902.
5. Day spa.
6. Massage parlor.
7. Tattoo parlor.
8. Piercing studio.
9. Uses determined by the governing body to be of a similar nature to the uses permitted by right in Section 1901.B, herein when located in a principal or accessory building.

C. Conditional Use Application and Procedure.

1. An application for a conditional use as specified in this ordinance shall be considered by Borough Council according to the following procedures:
 - a. Application: An application for conditional use shall be submitted to the Zoning Officer. Such application shall include a sketch plan indicating the proposed development of the property with sufficient detail and data to demonstrate compliance with the applicable standards for such use. Borough Council shall conduct a public hearing pursuant to public notice on such application within 60 days unless such time limit shall be waived by the applicant.
 - b. Planning Commission Review: A copy of the application for conditional use approval shall be submitted to the Borough Planning Commission and the Montgomery County Planning Commission at least 30 days prior to the public hearing, together with a request that such agencies submit recommendations regarding the application prior to the hearing.
2. In deciding all applications for conditional uses, Borough Council shall be guided by the following standards and criteria:
 - a. The proposed use conforms to the applicable regulations of the district.

- b. The proposed use shall follow the general standard for Zoning Hearing Board decisions in Section 1605.E of the Zoning Ordinance.

D. Prohibited Uses:

1. Automobile or other vehicle sales, service, or repair establishments, including vehicle body repair, vehicle painting, or washing.
2. Gasoline service station and filling station.
3. Drive-through window or facilities.
4. Self-service storage facilities (mini-warehouse).
5. Adult entertainment uses.
6. Uses determined by the governing body to be of similar nature to the prohibited uses listed in this section.

Section 1902. Historic Structures.

- A. Exterior additions and alterations to buildings listed or eligible for the National Register of Historic Places or listed on Souderton's local historic resource inventory.
 1. Exterior additions and alterations to historic buildings shall follow the Souderton-Telford Design Guidelines and the Secretary of the Interior's Standards for Rehabilitation.
 2. Any exterior addition or alteration on the site must be constructed of natural materials typically found along a main street. Natural materials include such materials as stone, brick, wood siding, shingles, slate, etc. Industrial or artificial materials such as raw concrete finish, anodized or galvanized metal, tinted glass, plastics, vinyls, etc. are prohibited unless such materials are used in such a way as to resemble historic characteristics.
 3. Meet the standards of Section 1906.
 4. The applicant shall submit sufficient information in the form of architectural elevations and sketches of buildings in order to determine to what extent the Section 1906, Design Standards, are being followed.
- B. Demolition of Buildings Listed or Eligible for the National Register of Historic Places.
 1. In order for a building to be demolished, the following conditions shall be demonstrated:
 - a. The building is structurally unsound and cannot be stabilized as determined by a professional structural engineering specializing in historic structures; or
 - b. The building cannot be reasonably modified to accommodate access for handicapped individuals. The applicant will submit a written report listing all restrictions and estimated costs to modify said structure. The report shall be prepared by a professional structural engineer; or
 - c. Interior spaces of the building are too small to be converted to be suitable for the proposed use.
 - d. The Pennsylvania Historic and Museum Commission (PHMC) has been notified of the intent of demolition. The applicant must provide documentation of notification to the PHMC.
 2. Replacement buildings must meet the following conditions:
 - a. Provide a public amenity as described in Section 1905.A.3 and 4.

- b. Any new building on the site must be constructed of natural materials typically found along a main street. Natural materials include such materials as stone, brick, wood siding, shingles, slate, etc. Industrial or artificial materials such as raw concrete finish, anodized or galvanized metal, tinted glass, plastics, vinyls, etc. are prohibited unless such materials are used in such a way as to resemble historic characteristics.
 - c. Meet the standards of Section 1906.
 - d. The applicant shall submit sufficient information in the form of architectural elevations and sketches of buildings in order to determine to what extent the Section 1906, Design Standards, are being followed.
 - e. Cross-access easements for parking lots between adjacent nonresidential properties shall be provided before an occupancy permit is issued for the newly constructed building. The parking area shall be so designed to readily accommodate shared access.
- C. Demolition of buildings included on Souderton’s local historic resource inventory as defined by the Indian Valley Regional Comprehensive Plan, the Borough of Souderton’s Open Space Plan, or adopted historic resource inventory. Criteria for the local historic resource inventory buildings include those buildings that have a direct connection to Souderton’s industrial past. Buildings may also be considered a local historic resource if designated as such by Borough Council.
- 1. In order for a building to be demolished, the following conditions need to be demonstrated:
 - a. The building is structurally unsound and cannot be stabilized as determined by a professional structural engineer specializing in historic structures; or
 - b. The building cannot be reasonably modified to accommodate access for handicapped individuals. The applicant will submit a written report listing all restrictions and estimated costs to modify said structure. The report shall be prepared by a professional structural engineer; or
 - c. Interior spaces of the building are too small to be converted to be suitable for the proposed use.
 - 2. Replacement buildings must meet the conditions of Section 1902.B.2

Section 1903. Development Standards.

- A. Minimum Lot Size: 2,500 square feet.
- B. Minimum Lot Width: 25 feet.
- C. Build-To-Line. Buildings shall be:
 - 1. Built to the sidewalk; and
 - 2. Setback from the ultimate right-of-way by not more than 15 feet for purposes of a plaza, square, courtyard, recessed entrance, wider sidewalk or outdoor dining.
- D. Side Yard Setback.
 - 1. There shall be no side yard setback for buildings that share a party wall.
 - 2. Five (5) feet when buildings do not share a party wall.
- E. Rear Yard Setback: five (5) feet.

- F. Building Separation: ten (10) feet between buildings.
- G. Maximum Impervious Coverage: 100 percent.
- H. Average Living Space: The living space for residential units shall be 1,000 square feet (on average) per building.
- I. Building Height:
 - 1. New buildings shall be a minimum of three (3) stories.
 - 2. Building height shall be a maximum of 65 feet provided there is a 10-foot setback on all sides of the building above the third floor.

Section 1904. General Requirements.

- A. Public Utilities. All uses shall be served by public water and sewer facilities.
- B. Surface Parking:
 - 1. General Surface Parking Standards:
 - a. Vehicle Access. Vehicle access to surface parking shall be from an alley or side street where possible.
 - b. Pedestrian Access. Safe provisions for pedestrian access to and through a parking lot shall be required. Surface parking areas and pedestrian walkways connecting to them shall be well-lit.
 - c. Location of Surface Parking.
 - 1) Surface parking shall be located to the rear of the principal building or to the side (however, parking shall not be located between a building and the street). Parking shall be set back ten (10) feet from the legal right-of-way.
 - 2) Corner Lots. Surface parking shall not be permitted on corner lots that are located on collector or arterial roads.
 - 3) Off-street surface parking shall not extend more than 70 feet in width along any pedestrian street frontage without an outdoor café, urban garden, plaza, square, courtyard or landscaping feature with seating.
 - 2. Interconnected Parking Areas.
 - a. Parking areas on abutting nonresidential lots shall be interconnected by access driveways.
 - b. Each nonresidential lot shall provide cross-access easements for its parking areas and access driveways guaranteeing access to adjacent lots. Interconnections shall be logically placed and easily identifiable to ensure convenient traffic flow.
- C. Exterior Lighting. All exterior lighting shall be designed to prevent glare onto adjacent properties. Pedestrian pathways shall be clearly marked and well lit. Lighting should be sufficient for security and identification without allowing light to trespass onto adjacent sites. The height of fixtures shall be a maximum of 20 feet for parking lots and 14 feet for pedestrian walkways.
- D. Refuse Areas. The storage of refuse shall be provided inside the building(s) or within an outdoor area enclosed by either walls or opaque fencing. Any refuse area outside of the building shall be designed to be architecturally compatible with the building(s), shall not be located in the front of the building, and be entirely screened by a fence or enclosure which is at least six (6) feet high.

E. Screening:

1. All wall-mounted mechanical, electrical, communication and service equipment, including satellite dishes and vent pipes shall be screened from public view by parapets, walls, fences, landscaping or other approved means.
2. All rooftop mechanical equipment and other appurtenances shall be concealed by or integrated within the roof form or screened from view at ground level of nearby streets. The following, when above the roofline, require screening: stairwells, elevator shafts, air conditioning units, large vents, heat pumps and mechanical equipment.
3. Parking Lot Screening.
 - a. Parking lots visible from a street shall be continuously screened by a 3-foot high wall/fence and plantings. Screening shall include:
 - 1) Hedges, installed at 36 inches in height; or
 - 2) Mixed planting (trees and shrubs); or
 - 3) Wall sections, with no wall break of more than nine (9) feet (excluding driveway openings) and landscaping to provide a continuous screen.
 - b. When parking lots are adjacent to a residential use, screening shall be increased to a 6-foot high wall/fence and planting.
4. Service and loading areas shall be visually screened from street and pedestrian ways. For new construction, service and loading areas shall be located behind the building. Loading docks shall not be on the main street but to the side or rear of the building.

Section 1905. Streetscape and Green Area Standards.

- A. The following streetscape and green area standards are required for all new developments and additions/alterations along pedestrian areas:
 1. Streetscape and green area standards should relate to Souderton’s streetscape design and be reviewed by the governing body. The applicant shall demonstrate that these standards are met through elevations and conceptual sketches.
 2. Figure 1 indicates the categories and minimum requirements for streetscape and green area standards. Category A contains planting and greening elements. Category B includes more elaborate greening elements as well as street furniture and other streetscape elements. Category C includes more extensive building elements, streetscape improvements and open space elements. Figure 2 presents the streetscape and green area items within each category.

Figure 1 – Streetscape and Green Area Categories

Building Additions and Alterations	New Developments up to 25 Linear Feet of Frontage	New Developments between 26-50 Linear Feet of Frontage	New Developments of 51 Linear Feet of Frontage or More
4 points from Category A (no more than 3 of 1 item)	4 points from Category A (no more than 3 of 1 item)	5 points from Category A and 4 points from Category B	7 points from Category A, 5 points from Category B, and 6 points from Category C

Figure 2 – Streetscape and Green Area Items

Category	Item	Points
A	Hanging Basket (minimum size: 12 inches in diameter)	1
A	Decorative Banners/Flags	1
A	Window Box (as wide as window sill and a minimum size: 6 inches wide by 6 inches deep)	2
A	Additional planting area including shrubs, trees, groundcovers, or flowers	2
A	Street planter (minimum size: 24 inches in diameter)	2
A	Building Decorative Lighting	2
B	Bench (at least 5 feet in length)	2
B	Trash Receptacle	2
B	Raised Planting Bed	2
B	Public Art/Mural	2
B	Trellis, Arbor or Pergola (planted with vines or shrubs)	2
B	Awning for Window or Door	2
B	Kiosk	3
C	Drinking Fountain	2
C	Decorative Paving	2
C	Water Feature (Fountain)	2
C	Balconies	3
C	Street Lighting	3
C	Planting in Curb Extension (planted bulb out/large planters)	3
C	Urban Garden (see requirements in Section 1905.A.3)	3
C	Roof Garden	3
C	Bus Shelter	3
C	Clock Tower	3
C	Decorative Architectural Treatments (see descriptions of architectural treatments in Section 1906.B.2.a)	4
C	Plaza/Square/Courtyard (see requirements in Section 1905.A.4)	6
C	Façade Restoration	6
C	Other Amenity Approved by Governing Body	3-6

3. Urban garden standards:
 - a. Minimum size required is 300 square feet.
 - b. An urban garden shall be located where it is visible and accessible from either a public sidewalk or pedestrian connection.
 - c. Sixty percent of the garden shall be of plant materials such as trees, vines, shrubs, and seasonal flowers with year round interest. All trees shall be 3.5 inches in caliper.
 - d. A water feature is encouraged.
 - e. One seating space is required for each 30 square feet of garden area.
4. Public plazas/squares/courtyards standards:
 - a. The minimum size required is 500 square feet.

- b. The plaza shall be located where it is visible and accessible from either a public sidewalk or pedestrian connection.
- c. Thirty percent of the plaza shall be landscaped with trees, shrubs, and mixed plantings with year round interest.
- d. The plaza shall use the following paving materials: unit pavers, paving stones, or concrete. No more than 20 percent of the plaza shall be concrete.
- e. One seating space is required for each 30 square feet of plaza area.
- f. The plaza shall not be used for parking, loading, or vehicular access during business hours or permitted special events (excluding emergency vehicular access).
- g. Public art and fountains are encouraged.
- h. Trash containers shall be distributed throughout the plaza.
- i. The plaza shall provide shade by using the following elements: trees, canopies, trellises, umbrellas, or building walls.
- j. One tree is required for every 500 square feet. Trees shall be of 3.5 inches in caliper.
- k. Lighting shall be provided.
- l. Plazas shall connect to other activities such as outdoor cafes, restaurants, and building entries.
- m. Plazas shall be located if possible to have maximum direct sunlight with a south or west orientation.
- n. Plazas, if constructed by a private entity, shall have an agreement with the Borough of Souderton for public access.

Section 1906. Design Standards.

A. Pedestrian Design Standards:

- 1. Sidewalks are required along all street frontages. Where applicable, sidewalk width shall be in accordance with adopted streetscape design documents.
- 2. Where streetscape plans are not applicable, the following shall apply:
 - a. On Broad and Main Streets, sidewalks shall be a minimum width of eight (8) feet.
 - b. On other streets, sidewalks shall be a minimum width of six (6) feet.
- 3. Sidewalks shall connect the street frontage to all front building entrances, parking areas, central open space and other destinations that generate pedestrian traffic. Sidewalks shall connect to existing sidewalks on abutting tracts and other nearby pedestrian destination points and transit stops.
- 4. The sidewalk pattern shall continue across driveways.

B. Building Design Standards. Nonresidential buildings and apartment buildings shall meet the following requirements:

- 1. Building Orientation and Entrances:
 - a. The front façade of buildings shall be oriented towards main streets, with an everyday public entrance in this front façade.
 - b. When buildings are located on corners, the entrance shall be located on the corner with an appropriate building articulation, such as a chamfered corner, turret, canopy or other similar

building feature. Borough Council may allow front facades to face existing side streets, when these façades will extend an existing commercial district along this existing side street.

- c. All primary building entrances shall be accentuated. Entrances permitted include: recessed, protruding, canopy, portico or overhang.

2. Walls and Windows:

- a. Blank walls shall not be permitted along any exterior wall facing a street, parking area or walking area. Walls or portions of walls where windows are not provided shall have architectural treatments that are similar to the front façade, including materials, colors and details. At least four (4) of the following architectural treatments shall be provided:

- 1) Masonry (but not flat concrete block).
- 2) Concrete or masonry plinth at the base of the wall.
- 3) Belt courses of a different texture or color.
- 4) Projecting cornice.
- 5) Projecting metal canopy.
- 6) Decorative tile work.
- 7) Trellis containing planting.
- 8) Medallions.
- 9) Opaque or translucent glass.
- 10) Artwork.
- 11) Vertical/horizontal articulation.
- 12) Lighting fixtures.
- 13) An architectural element not listed above, as approved by Souderton Borough Council, that meets the intent.

- b. Windows:

- 1) The ground floor front façades of buildings fronting a street shall consist of a minimum of 60 percent window area and a maximum of 75 percent, with views provided through these windows into the business. Ground floor windows shall be a maximum of 12 to 20 inches above the sidewalk.
- 2) Upper story windows of front façades shall not be boarded or covered and shall comprise a minimum of 35 percent window area in the façade above the ground floor and a maximum of 75 percent.
- 3) Smoked, mirrored, or black glass in windows is prohibited.

3. Roofs. Roofs shall be in keeping with the character of adjacent buildings.

4. Building Character. New infill development shall generally employ building types that are compatible to the historic architecture of the area in their massing and external treatment.

5. Architectural Rhythm:

- a. New infill development shall also retain the historic architectural rhythm of building openings (including windows and entries) of the same block.
- b. New infill development shall also attempt to maintain the horizontal rhythm of main street façades by using a similar alignment of windows, floor spacing cornices, awnings as well as

other elements. This rhythm shall be achieved by aligning the top, middle, and base floors. Buildings shall have a distinct base at ground level using articulation or materials such as stone, masonry, or decorative concrete. The top level should be treated with a distinct outline with elements such as projecting parapet, cornice, or other projection.

6. Massing:

- a. Buildings shall be similar in height and size or articulated and subdivided into massing that is more or less proportional to adjacent structures and maintains the existing architectural rhythm.
- b. The massing of any façade should generally not exceed 50 feet maximum (horizontal dimension). Shop fronts may be broken down even further. Massing variations every 30 feet or less is preferred.
- c. Nonresidential buildings must have at least a 3- to 5-foot break in depth in all street façades for every 50 feet of continuous façade. Such breaks may be met through the use of bay windows, porches, porticos, building extensions, towers, recessed doorways, and other architectural treatments.

[Adopted: Ord. 638, 7/7/03 entire article; Replaced Ord. 670, 6/4/07, entire article]

ARTICLE XX
MUR MIXED-USE REDVELOPMENT DISTRICT

Section 2000. Legislative Intent.

The primary purpose of the Mixed-Use Redevelopment District is to create a walkable, livable, and attractive mixed-use center that complements the borough's existing traditional neighborhoods and commercial areas, supports the community's economic development goals and provides a lively mix of residential and non-residential uses. Further, it is the intent of the Mixed Use Redevelopment District to:

Further, it is the intent of the Mixed-Use Redevelopment District to:

- A. Encourage market-driven redevelopment of underutilized land, adjacent to existing commercial areas and accessible to existing neighborhoods;
- B. Support the ongoing revitalization of the Borough of Souderton;
- C. Promote development that is primarily designed to be walkable and bikeable, rather than automobile-oriented;
- D. Provide housing options that give residents convenient pedestrian access to retail, restaurants, services and employment;
- E. Ensure context-sensitive design that complements and is consistent with the borough's existing historic character, neighborhoods, streetscapes, and buildings;
- F. Promote sustainable and low-impact development that respects the site's natural features and utilizes best management practices for stormwater management, energy use and land development.
- G. Encourage flexibility, economy, and ingenuity in the development of tracts within this district.
- H. Provide public open spaces for parks and natural resource protection.

Section 2001. Use Regulations.

A building may be erected, altered or used and a lot or premises used, for any of the following purposes and no other:

- A. Uses Permitted By Right. The following uses are permitted on a lot, in existing and proposed buildings:
 - 1. Single-family semi-detached dwelling (twins).
 - 2. Quadruplex dwelling. One detached dwelling that contains four single-family units arranged with two front façades on one side of the building and two front façades on other sides of the building.
 - 3. Rowhouse or Townhouse Dwelling.
 - 4. Two-Family Attached Dwelling. A two-family attached dwelling shall be defined as a residence for two families living independently of each other with one family living wholly or partly over the other and having one or two party walls in common with another dwelling.
 - 5. Combined-use building. One dwelling unit may be located on the second floor and above over a permitted nonresidential use. A garage and entryway for the residential use may be permitted on the ground floor. A combined-use building shall have only one residential unit from ground to roof. Combined-use buildings may be attached side to side as permitted by §2003.H.
 - 6. Retail establishment.
 - 7. Business or Professional Office.
 - 8. Medical Office excepting veterinary services.
 - 9. Personal service shop.
 - 10. Restaurant, fast-food restaurant, or other establishment serving food or beverages to the general

public, including walk-up windows. Drive-up or drive-through facilities shall not be permitted except as a conditional use meeting the requirements of section 2001.B.6.

11. Bank or financial institution. Drive-up or drive-through facilities shall not be permitted except as a conditional use meeting the requirements of section 2001.B.6.
12. Gallery or museum.
13. Hotel, including boutique hotel, bed and breakfast, and extended stay suites.
14. Movie theater, live performance, concert venue, or a combination of these.
15. Outdoor dining area, subject to the standards in Section 1420 hereof.
16. Accessory use on the same lot with and customarily incidental to any of the foregoing permitted uses, as set forth in this section.

B. Conditional Uses. The following uses are permitted on a lot, in existing and proposed buildings. When conditional uses are proposed, the applicant must follow the procedures of Section 1901.C, Conditional Use Application of the Souderton Borough Zoning Ordinance No. 405 enacted March 6, 1972, as amended.

1. Auditorium or performance center (other than a movie theater).
2. Natatorium or swimming facility.
3. Fitness center or gymnasium; other indoor recreation such as bowling or skating rink.
4. Clubhouse facility unrelated to a residential use.
5. Parking garage structures.
6. Drive-through facilities when accessory to a permitted primary use, provided that they meet the following requirements:
 - a. Drive-through facilities must be located to the rear or side of a building, screened from view from existing and proposed public streets, main access drives, residential uses, and public walkways.
 - b. Drive-through facilities shall be limited to one (1) lane.
 - c. No more than one (1) drive-through facility shall be permitted for every 15 acres of gross site area.
 - d. Every drive-through facility shall include a separate drive aisle for pass-by traffic. This drive aisle shall not count toward the maximum number of permitted lanes.
 - e. Drive-through facility lighting must be full cut-off and located directly under a canopy to minimize spillover glare on neighboring uses.
7. Outdoor storage of merchandise, equipment, or materials, provided that it meets the following requirements:
 - a. The storage must be related to a commercial use on the property.
 - b. The commercial use must demonstrate that at least 51% of its sales come from items that require outdoor storage.
 - c. The area used for outdoor storage shall not be greater than 50% of the indoor area owned or leased by the commercial establishment for their business.
 - d. The outdoor storage area must be able to be screened as described in the Subdivision and Land Development Ordinance Section 420.1.G.
 - e. A rendering of the proposed storage area must be submitted as part of the conditional use application.
8. Uses determine by Borough Council to be of a similar nature to the permitted uses listed in this section.

- C. Prohibited Uses. The following uses are prohibited on a lot, inexisting and proposed buildings:
1. Motor vehicle related sales, rentals, service or repair establishments, including auto parts and auto accessories.
 2. Gasoline service and filling stations.
 3. Car wash, detailing and similar motor vehicle services.
 4. Parking areas for the long-term parking of boats, recreational vehicles, or commercial trucks.
 5. Any other use not permitted in the C-1 District.
 6. Specialized medical treatment office.
 7. Adult-oriented entertainment and sales, etc.
 8. Veterinary offices, animal kennels and animal day care facilities.
 9. Uses determine by Borough Council to be of a similar nature tothe prohibited uses listed in this section.
- D. Conditional Use Standards.
1. The uses in section B, above, must be an appropriate size and scale for surrounding uses.
 2. The applicant must demonstrate that the use can be appropriately integrated into the "town center" feel of the development by submitting plans that show the dimensions and massing of the building where the use is to be located.
 3. Applicants for conditional use must show exterior renderings from at least two points that are either along nearby sidewalk or from nearby residences.

Section 2002. Density and Mixed-Use Requirements.

Development in the Mixed-Use Redevelopment District shall meet the following mix of use requirements:

- A. Developments shall have an overall density of no greater than 7.5 dwelling units per gross acre.
- B. The minimum Floor Area Ratio (FAR) shall be 0.3. The maximum FAR shall be 1.5.
- C. No mix of uses is required for developments of parcels three (3) gross acres or smaller in size at the time of adoption of this article. If any parcels of three (3) gross acres or smaller are consolidated in the future to create a parcel greater than three (3) gross acres, then the mix of uses requirement shall apply.
- D. For developments of sites greater than three (3) gross acres in size, the following shall apply:
 1. A minimum of 20% of gross floor area is required to be residential uses.
 2. A mix of types of residential units is required. At least two types of residential units shall be required, and no more than 65% of units shall be of any one type.
 3. For every dwelling unit of any type on the site, a minimum of 475 square feet of non-residential gross floor area must be built on the site as well. This required non-residential area may be located anywhere that it is permitted on the site.
 4. The required nonresidential development (from §2002.D.3) may not be converted to residential uses.
 5. A mix of types of nonresidential uses is required.
 - a. A minimum of 10% of total nonresidential gross floor area shall be one of the following: business office, professional office, or financial institution.
 - b. A minimum of 40% of nonresidential gross floor area shall be retail, restaurants, studios, or galleries.
 6. If more than 75% of the gross acreage of the parcel is within 150 feet of a road of collector or higher classification, as identified in the Indian Valley Regional Comprehensive Plan as

adopted, residential uses shall not be required.

Section 2003. Dimensional Requirements.

All development in the Mixed-Use Redevelopment District shall meet the following dimensional requirements:

- A. Standards for the whole development site:
 - 1. The minimum lot width shall be 200 feet along one street.
 - 2. The maximum building coverage shall be 50 percent of the gross acreage.
 - 3. The maximum impervious surface coverage shall be 70 percent of the gross acreage.
 - 4. The minimum open space shall be 30 percent of the gross acreage.

- B. Lotting Exclusion. In order to allow the maximum flexibility in site design and ownership arrangements, lotting is not required, nor is any minimum lot size. However, in cases wherein lots are not utilized:
 - 1. There shall be land area provided for each dwelling unit, equivalent to the normally required minimum lot area. The calculation may include area held in common to the dwelling units, such as an alley, private driveway or private parking spaces. The area shall exclude the area within any street or sidewalk and any public gathering area designed for use beyond those immediate residents.
 - 2. There shall be a minimum building width equivalent to the normally required minimum lot width.
 - 3. The distances between units and the nearest edge of any of the following: sidewalk, curb, cartway, alley, or street shall be the same as the normally required yard areas. No streets or alleys shall be within the required yard areas, with the exception of the rear yard setback (see §2003.D.2).
 - 4. For any development or portion thereof, wherein lots are not utilized, the applicant shall prepare a plan demonstrating that the development will meet the normally required area, width, and yard requirements.

- C. Lot Area and Lot Width
 - 1. Rowhouse or Townhouse Dwellings, Two-family attached dwellings, Quadraplex dwellings, and Single-family semi-detached dwellings:
 - a. Minimum lot area and width - A minimum lot area of 2,200 square feet per unit and a minimum lot width of twenty (20) feet at the street line shall be provided for each dwelling unit.
 - 2. Combined-use buildings:
 - a. Minimum width - each residential unit in a combined-use building shall have a minimum width of twenty (20) feet.

- D. Building Setback and Yard Requirements for all residential-only uses. All measurements shall be from a lot line, existing right-of-way, or as described in §2003.B.
 - 1. Minimum front yard setback shall be fifteen (15) feet, with a maximum setback of twenty (20) feet.
 - 2. The minimum rear yard setback shall be thirty (30) feet. If lotting is not used and dwelling units are configured to back up against each other, setback shall be to the centerline of a common private alley.

3. There shall be a minimum side yard of 15 feet on one side of each single-family semi-detached dwelling and quadruplex dwelling.
 4. There shall be a minimum side yard of 15 feet on one side of the end units of rowhouse or townhouse dwellings and two-family attached dwellings.
 5. Residential uses must be set back a minimum of 150 feet from roads of collector or higher classification, as identified in the Indian Valley Regional Comprehensive Plan as adopted.
- E. Building Setback Requirements for Nonresidential and Combined-use buildings.
1. The minimum front yard setback shall be 15 feet from the ultimate right-of-way of an existing street; buildings taller than 40 feet shall have the fourth floor and above set back from the curblines a minimum of 25 feet. This requirement shall not apply to new streets internal to the development plan.
 2. The minimum building setback from curblines of new streets internal to the development shall be 15 feet; buildings taller than 40 feet shall have the fourth floor and above set back from the curblines a minimum of 25 feet.
 3. Where a public plaza or park is included as part of the streetscape design, a building may be set back to the depth of the plaza.
 4. Buildings shall be set back a minimum of 25 feet from existing property lines and from proposed residential property lines or equivalent within the development.
 5. Buildings shall be set back a minimum of 50 feet from the boundary of any residential zoning district.
- F. Minimum Setbacks between Building Requirements. The minimum setbacks between buildings shall be as follows:
1. There shall be a minimum separation of 30 feet between buildings of rowhouse or townhouse dwellings, two-family attached dwellings, and quadruplex dwellings.
 2. Single-family semi-detached dwellings shall be separated a minimum of 20 feet from other buildings.
 3. Nonresidential uses and combined-use buildings with a height of 40 feet or less shall be set apart from other buildings a minimum of 25 feet on all sides.
 4. Nonresidential uses and combined-use buildings with a height greater than 40 feet shall be set apart from other nonresidential/combined-use buildings a minimum of 50 feet on all sides.
- G. Maximum Building Height Restrictions.
1. All residential-only uses: three (3) stories up to 40 feet.
 2. Combined-use buildings: four (4) stories up to 50 feet.
 3. Hotels: six (6) stories up to 75 feet.
 4. Parking garages: up to 40 feet.
 5. Non-residential uses within 200 feet of County Line Road- six (6) stories up to 75 feet. This shall apply to any portion of the building within 200 feet of County Line Road.
 6. Other non-residential uses: two (2) stories up to 35 feet.
- H. Maximum Building Size Restrictions. The maximum building length and footprint for all structures shall be as follows:
1. Any building containing a residential use shall have a maximum building length of 180 feet.

2. Rowhouse or townhouse dwellings, two-family attached dwellings, and combined-use buildings shall not exceed six (6) dwelling units attached in any configuration; however, up to one-third (1/3) of these buildings may contain up to seven (7) units attached in any configuration.
3. Nonresidential buildings shall have a maximum building length of 200 feet, with a maximum building footprint of 20,000 square feet.

Section 2004. Site Design Requirements.

When an existing lot that is located within the Mixed-Use Redevelopment District is proposed for development or redevelopment, the following access and circulation regulations shall apply:

A. Vehicular Access and Circulation Requirements.

1. Mixed-use developments shall be laid out to create blocks. Blocks shall not exceed 800 feet in length before being interrupted by a street intersection.
2. Emergency vehicular access to the internal site must be provided on all perimeter streets.
3. Primary vehicular access to the internal site shall be from roadways of collector or higher classification, as identified in the most recently adopted Indian Valley Regional Comprehensive Plan.
4. New access points to an existing road shall be located at least 200 feet from the centerline of an existing intersection of streets. An access point shall be aligned with an access point that is directly across the highway, unless safety considerations dictate otherwise.

B. Open Space and Parks Requirements.

1. The district has a goal of having a park at the corner of North School Lane and East Chestnut Street. Such a park should be a neighborhood park that serves the community within the MUR district and beyond.
 - a. The neighborhood park must be a minimum of 50,000 square feet in size.
 - b. The neighborhood park must be usable by the public, visible and accessible from a public walkway or sidewalk.
 - c. Trails and paths shall connect to the sidewalk system.
 - d. No parking, loading, or vehicle access is allowed in the open space, other than for emergency or maintenance vehicles.
 - e. The park shall be deed restricted to permanently preserve the area and to guarantee permanent public access.
2. Public Plaza- For a development over 3 acres in size, the design and construction of a public plaza of at least 5,000 square feet is mandatory. A public plaza shall be an open space area where vehicles are not permitted and to which the public has access.
3. At least 5 percent of any mixed-use development project's gross site area, excluding the required neighborhood park and public plaza, if required, shall be devoted to public open space amenities. Areas of the neighborhood park and public plaza beyond the minimum square footage required may be applied to this requirement. The amenities may include site features such as trails, additional public plazas, outdoor dining areas, passive open space areas such as lawns or woods areas excluding required buffer areas and landscape areas;

active outdoor recreational facilities such as playgrounds or ball fields, etc.

- C. Screening of refuse collection areas shall be in compliance with section 420.1 G of the Subdivision and Land Development Ordinance.

Section 2005. Building Design Standards.

When an existing lot that is located within the Mixed-Use Redevelopment District is proposed for development or redevelopment, the following building design standards shall apply:

A. Building Orientation and Entrances.

1. The following requirements shall apply to all buildings containing only residential uses.
 - a. At least 50% of all residential buildings shall be oriented with their front façades facing and taking direct pedestrian access from North School Lane or Chestnut Street.
 - b. Any residential buildings not facing North School Lane or East Chestnut Street must be constructed directly behind a residential building that does face one of these streets.
 - c. The front façade of the rear residential building shall face and have direct pedestrian access from a street and share a common alley to access the rear loaded garage and private parking spaces.
2. Ground floor retail, restaurant, and similar uses serving the public shall front directly on a street on at least one façade.

B. Rowhouse or townhouse dwellings and Two-family attached dwellings.

1. Rowhouse or townhouse dwellings and two-family attached dwellings shall have rear-loaded garages. The garage shall have a minimum size of nine (9) feet in width and eighteen (18) feet in depth and must be maintained for vehicle storage.
2. Each dwelling unit or pair of dwelling units if two-family attached, shall have a change in building plane of at least two (2) feet. Such change can be met through the use of bay windows, building extensions, building recesses, and other architectural treatments.
3. Each townhouse dwelling unit and each lower unit in a two-family attached dwelling shall contain a roofed but unenclosed front porch.
4. Rowhouse or townhouse dwellings and two-family attached dwellings shall have pitched roofs covered throughout with the same roofing materials. The main roof sections visible along the front façade of the building shall have a pitch of at least six (6) vertical inches to every 12 horizontal inches. Roofed porch entries and bay windows may have a shallower pitch.

C. All structures containing residential units of any type.

1. The façade containing the entrance to any residential unit shall be provided with architectural features, such as bay windows, decorative moldings, brick or stone facing and foundation landscaping.
2. All visible side façades on any type of residential unit shall maintain similar architectural features as required for the front residential façades. Full blank exterior side walls shall be prohibited.

Section 2006. Mixed-Use Redevelopment Parking Regulations.

When an existing lot that is located within the Mixed-Use Redevelopment District is proposed for development or redevelopment, the following off-street parking and loading regulations shall apply:

- A. General Requirements In addition to the standards and regulations for the design of streets, parking and loading areas, development within the district must adhere to all additional regulations included in the Borough of Souderton's Zoning Ordinance, Subdivision and Land Development Ordinance, and any other pertinent regulations. Where any conflicts arise, the provisions of Article XII: Off-Street Parking and Loading of the zoning ordinance shall take precedence.
- B. Shared Parking Plan Requirements. When developing in the Mixed-Use Redevelopment District, a reduction of up to 20 percent of the required parking spaces may be granted by Conditional Use. To be granted the parking reduction, the applicant must submit a shared parking plan detailing the location, time of use and numbers of the shared parking spaces and demonstrating the effectiveness of the shared parking, in accordance with the requirements of Section 1206 of the Zoning Code.
- C. Reserved Parking Plan Requirements.
 - 1. When the requirements of this chapter specify a larger number of parking spaces than the applicant anticipates a need for, a reduction of up to ten (10) percent of the required parking spaces may be set aside in reserve for future use.
 - 2. A sufficient area of the applicant's site shall be held in reserve as green space for construction of the remainder of the required spaces. All stormwater engineering shall be designed based on total parking requirements including the reserve.
 - 3. The applicant must submit a reserved parking plan detailing the location, layout, grading and numbers of the reserved parking spaces with corresponding landscaping and other requirements shown on the plan.
 - 4. Parking capacity will be re-evaluated by the Borough Engineer, should any change occur in the use, ownership or size of buildings, or number of employees. On the recommendation of the Engineer, the Zoning Officer may require the construction of the reserve parking spaces.
 - 5. The applicant shall provide a financial guaranty to cover the costs of engineering and construction of the reserve parking spaces for a period of 60 months following the construction of the initial spaces.

Section 2007. Merchandise Displays

- A. Merchandise displays are temporary sales displays set up outside of shop entrances to bring activity to the street. They allow retailers to display small racks of books, sidewalk sale items, or other items intended to draw customers. They are not intended to be outdoor storage areas or permanent displays.
1. Where permitted, merchandise displays may occupy sidewalk area at a ratio of 5 square feet per 1 linear foot of primary building façade, provided that minimum clearance widths are maintained on all walkways.
 2. All merchandise displays must be completely moveable and must be removed from the sidewalk at all times the associated establishment is closed.
 3. Merchandise displays shall be permitted only directly in front of the storefront façade occupied by the seller of the merchandise.

Section 2008. Mixed-Use Redevelopment Lighting Requirements.

A. Illumination Levels.

1. Lighting levels shall be designed to coordinate with light patterns from public street lights and shall not create glare to neighboring properties or from the roadway.
2. Lighting where required by this ordinance shall have the following intensities and uniformity ratios in accordance with the Illuminating Engineering Society of North America (IESNA) Lighting Handbook, 9th edition, Chapters 21 and 22, and relevant IESNA Recommended Practices: parking lot average= 2.0-3.0 fc; minimum= .05 fc. Uniformity ratio shall be as defined in IESNA Lighting Handbook, 9th edition, Chapters 21 and 22.
3. Future amendments to said Lighting Handbook and Recommended Practices shall become a part of this ordinance without further action by the Borough.
4. Light intensity levels shall adhere to recognized standards of the illuminating Engineering Society of North America (IESNA) or other recognized standards.
5. Lamps in parking lot application shall not exceed 30,000 lumens. In streetscape applications, lamps shall not exceed 17,000 lumens.
6. The levels of illumination projected onto a residential use from another property shall not exceed 0.1 initial horizontal footcandles, at the property line. The level of illumination projected onto a non-residential use shall not exceed 1.0 initial horizontal footcandles at the property line.
7. All pedestrian walkways within 30 feet of buildings must maintain an illumination level of not less than 0.5 horizontal foot candles and a maximum/minimum uniformity of not less than 15:1 from sunset to sunrise.
8. All other pedestrian walkways must maintain a minimum illumination level of not less than 0.2 horizontal foot candles and a maximum/minimum uniformity of not less than 20:1 from sunset to sunrise. Motion sensors may be provided to reduce light these light levels to no less than 2 percent of these light levels when people are not present.

B. Control of Nuisance and Disabling Glare.

1. For lighting predominately horizontal surfaces such as, but not limited to, roadways, areas of vehicular or pedestrian passage, merchandising and storage areas, automotive facilities, loading docks, recreation areas, building entrances, sidewalks, paths, site entrances, and parking lots,

fixtures shall be aimed straight down and shall be full cutoff or fully shielded.

2. For lighting of non-horizontal surfaces such as, but not limited to, façades, landscaping, signs, fountains, displays, flags and statuary, lighting fixtures shall render the light source not visible from neighboring properties.
3. All lighting shall be aimed, located, designed, fitted, and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.
4. Lighting shall be controlled by programmable timers that accommodate seasonal and annual variations and battery or mechanical backup, to permit extinguishing sources between 11 p.m. and dawn or within one hour of the close of business, whichever is earlier, to conserve energy and to mitigate nuisance glare and sky lighting consequences. Up to 25% of outdoor lights on the property may stay on overnight for safety and security or all-night operations.
5. Security lighting proposed for use after 11 p.m. or after normal business hours of operation shall be accomplished using no more than 25 percent of the number of fixtures used during the normal business hours, from then until the start of business in the morning. Alternatively, where reduced but continued activity requires even distribution, the use of dimming circuitry to reduce illumination levels by 75 percent after 11 p.m. of after normal business hours, shall be permitted.
6. Lighting shall be fitted with house shields where necessary to ensure that the illumination does not project beyond property lines.

[Adopted: Ord. 683, 9/8/09, entire article; Replaced Ord. 701, 4/2/12, entire article; Ord. 19-741-03, July 1, 2019, entire article]

**ARTICLE XXI
FLOODPLAIN OVERLAY CONSERVATION DISTRICT**

Section 2100. Statutory Authorization.

- A. The Legislature of the Commonwealth of Pennsylvania has, by the passage of the Pennsylvania Flood Plain Management Act of 1978, delegated the responsibility to local governmental units to adopt floodplain management regulations to promote public health, safety, and the general welfare of its citizenry. Therefore, the Council of Souderton Borough does hereby order as follows.

Section 2101. Legislative Intent.

- A. The intent of this Ordinance is to:
1. Protect areas of the floodplain necessary to contain floodwaters.
 2. To permit only those uses in the floodplain that are compatible with preserving natural conditions and stream flow.
 3. Promote the general health, welfare, and safety of the community by preventing development in areas prone to flooding.
 4. Encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.
 5. Minimize danger to public health by protecting water supply and natural drainage.
 6. Reduce financial burdens imposed on the community, its governmental units, and its residents, by preventing excessive development in areas subject to flooding.
 7. Comply with federal and state floodplain management requirements.

Section 2102. Applicability.

- A. The Floodplain Conservation District is defined and established as a district applicable to those areas of the Borough subject to inundation by the waters of the 1% annual chance flood as delineated on the Flood Insurance Rate Map (FIRM) for Montgomery County, Pennsylvania, as prepared by the Federal Emergency Management Agency, effective as of March 2, 2016 and subsequent revisions thereto. Said floodplain areas shall consist of the following specific areas:
1. Flood Zones Applicable to Municipality: Zone A and AE.
 2. Soils with a frequency of flooding of 1% or greater per year, as delineated by the Natural Resources Conservation Service, United States Department of Agriculture Web-Based Soil Survey (available online at <http://websoilsurvey.nrcs.usda.gov>), including the following soils:
 - a. Bowmansville (Bo)
 - b. Knauers (Bo)
 - c. Gibraltar (Gc)
 - d. Hatboro (Ha)
 - e. Rowland (Rt)
 - f. Rowland (RwA)
 - g. Rowland (RwB)
 - h. Urban Land Occasionally Flooded (UIA)
- B. In lieu of the above, Souderton Borough may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review

by the Borough.

- C. The Floodplain Conservation District shall be delineated according to FEMA's Flood Insurance Rate Map (FIRM) for Souderton Borough which is hereby made a part of this article, and additional area based on soils as described in Section 2102.A.2. The FIRM is available for inspection at the municipal Office.
- D. The Floodplain Conservation District shall be deemed an overlay on any zoning district now or hereafter applicable to any lot.
- E. It shall be unlawful for any person, partnership, business or corporation to undertake, or cause to be undertaken, any construction or development anywhere within Souderton Borough unless a Permit has been obtained from the Floodplain Administrator.
- F. A Permit shall not be required for minor repairs to existing buildings or structures.

Section 2103. Abrogation and Greater Restrictions.

- A. This ordinance supersedes any other conflicting provisions which may be in effect in the Floodplain Conservation District. However, any other ordinance provisions shall remain in full force and effect to the extent that those provisions are more restrictive. If there is any conflict between any of the provisions of this Ordinance, the more restrictive shall apply.

Section 2104. Severability.

- A. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

Section 2105. Warning and Disclaimer of Liability.

- A. The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside the Floodplain Conservation District, or that land uses permitted within such areas will be free from flooding or flood damages.
- B. This Ordinance shall not create liability on the part of Souderton Borough or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made there under.

Section 2106. Definitions.

- A. Unless specifically defined below, words and phrases used in this Ordinance shall be interpreted so as to give this Ordinance its most reasonable application.
 - 1. Accessory Use or Structure – a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
 - 2. Base Flood – a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood").
 - 3. Base Flood Elevation (BFE) – the elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year. The BFE is also shown on the FIS profile, and can be determined for Zone A Floodplains.
 - 4. Basement – any area of the building having its floor below ground level on all sides.

5. Building – a combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.
6. Development – any man-made change to improved or unimproved real estate, including but not limited to subdivision of land; construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets and other paving; utilities; fill; grading and excavation; mining; dredging; drilling operations; or storage of equipment or materials.
7. Existing Manufactured Home Park or Subdivision – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
8. Existing Structure/Existing Construction – a structure for which the “start of construction” commenced before the effective date of the FIRM.
9. Expansion to an Existing Manufactured Home Park or Subdivision – the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
10. Flood – a temporary inundation of normally dry land areas.
11. Flood Insurance Rate Map (FIRM) – the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
12. Flood Insurance Study (FIS) – the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.
13. Floodplain Area – a relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.
14. Floodproofing – any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
15. Floodway – the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
16. Floodway Fringe – That part of the floodplain adjacent to and extending from the floodway and subject to inundation by the 100-year flood.
17. Freeboard – A factor of safety usually expressed in feet above a flood level for purposes of floodplain management.
18. Highest Adjacent Grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

19. Historic Structures – any structure that is:
 - a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Pennsylvania Historical and Museum Commission (PHMC) as meeting the criteria for individual listing on the National Register;
 - b. Certified or preliminarily determined by the Pennsylvania Historical and Museum Commission (PHMC) as contributing to the historical significance of a National Register historic district or a district preliminarily determined by the PHMC to be eligible to qualify for listing in the National Register, or;
 - c. Designated as historic by a municipal ordinance:
 - i. Identified individually or as part of a local historic district by a zoning ordinance under the authority of the Pennsylvania Municipalities Planning Code, or
 - ii. Located in a local historic district that has been certified by the Pennsylvania Historical and Museum Commission as meeting the requirements of the Pennsylvania Historic District Act.
20. Lowest Floor – the lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for parking of vehicles, building access, and incidental storage, in an area other than a basement area is not considered the lowest floor of a building, provided that such space is not designed and built so that the structure is in violation of the applicable non-elevation design requirements of this ordinance.
21. Manufactured Home – a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational and other similar vehicles which are placed on a site for more than 180 consecutive days.
22. Manufactured Home Park or Subdivision – a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
23. Minor Repair – the replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exitway requirements; nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, oil, waste, vent, or similar piping, electric wiring or mechanical or other work affecting public health or general safety.
24. New Construction – structures for which the start of construction commenced on or after the effective start date of this floodplain management ordinance and includes any subsequent improvements to such structures. Any construction started after May 25, 1978 and before the effective start date of this floodplain management ordinance is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.
25. New Manufactured Home Park or Subdivision – a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

26. One Hundred-Year Flood – The flood having a 1% chance of being equaled or exceeded in any given year. Also referred to as the ‘1% frequency flood’, or the ‘Base Flood’, as defined by FEMA in the Flood Insurance Study for Souderton Borough
27. Person – an individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.
28. Post-FIRM Structure – A structure for which construction or substantial improvement occurred after May 25, 1978, or on or after the community's initial FIRM dated November 1, 1974, whichever is later, and, as such would be required to be compliant with the regulations of the NFIP.
29. Pre-Firm Structure – A structure for which construction or substantial improvement occurred on or before May 25, 1978, or before the community's initial FIRM dated November 1, 1974, and, as such would not be required to be compliant with the regulations of the NFIP.
30. Recreational Vehicle – a vehicle which is
 - a. built on a single chassis;
 - b. not more than 400 square feet, measured at the largest horizontal projections;
 - c. designed to be self-propelled or permanently towable by a light-duty truck,
 - d. not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
31. Redevelopment Area – A census tract or group of census tracts eligible for the Montgomery County Revitalization Program and identified in the adopted municipal revitalization plan.
32. Regulatory Flood Elevation – The regulatory flood elevation is the elevation to which development is regulated for purposes of elevation and/or dry floodproofing. It is equal to the base flood elevation (BFE) plus a freeboard of 1.5 feet.
33. Repetitive Loss – flood related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the market value of the structure before the damages occurred.
34. Special Permit – a special approval which is required for hospitals, nursing homes, jails, and new manufactured home parks and subdivisions and substantial improvements to such existing parks, when such development is located in all, or a designated portion of a floodplain.
35. Special Flood Hazard Area (SFHA) – means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AO, A1-A30, AE, A99, or, AH.
36. Start of Construction – includes substantial improvement and other proposed new development and means the date the Permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit and shall be completed within 12 months after the date of issuance of the permit unless a time extension is granted, in writing, by the Floodplain Administrator. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a

building, whether or not that alteration affects the external dimensions of the building.

37. Structure – a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.
38. Subdivision – the division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.
39. Substantial Damage – damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent or more of the market value of the structure before the damage occurred. Substantial damage also means a structure that meets the definition for repetitive loss.
40. Substantial Improvement – Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred substantial damage or repetitive loss regardless of the actual repair work performed. The term does not, however include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. For alteration of historic structures, see Section 2115.A.5
41. Uniform Construction Code (UCC) – The statewide building code adopted by The Pennsylvania General Assembly in 1999 applicable to new construction in all municipalities whether administered by the municipality, a third party or the Department of Labor and Industry. Applicable to residential and commercial buildings, The Code adopted The International Residential Code (IRC) and the International Building Code (IBC), by reference, as the construction standard applicable with the State floodplain construction. For coordination purposes, references to the above are made specifically to various sections of the IRC and the IBC.
42. Violation – means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Section 2107. Identification of Floodplain Areas.

- A. The Floodplain Conservation District shall be any areas of Souderton Borough classified as special flood hazard areas (SFHAs) in the Flood Insurance Study (FIS) and the accompanying Flood Insurance Rate Maps (FIRMs) dated March 2, 2016, and issued by the Federal Emergency Management Agency (FEMA), or the most recent revision thereof, including all digital data developed as part of the Flood Insurance Study.
- B. The Floodplain Conservation District shall also include areas with soils listed in Section 2102.A.2, along with any community identified flood hazard areas.
- C. The above referenced FIS and FIRMs, and any subsequent revisions and amendments are hereby adopted by Souderton Borough and declared to be a part of this ordinance.

Section 2108. Description and Special Requirements of the Floodplain Conservation District.

- A. The Floodplain Conservation District shall consist of the following specific areas/districts:

1. The Floodway Area/District shall be those areas identified as Floodway on the FIRM as well as those floodway areas which have been identified in other available studies or sources of information for those special floodplain areas where no floodway has been identified in the FIS. The floodway represents the channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation by more than one foot at any point.
 - a. Within any floodway area, no encroachments, including fill, new construction, substantial Improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 - b. No new construction or development shall be allowed, unless a permit is obtained from the Department of Environmental Protection Regional Office.
2. The AE Area/District shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA for which base flood elevations have been provided.
 - a. The AE Area adjacent to the floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA and for which base flood elevations have been provided and a floodway has been delineated.
 - b. AE Area without floodway shall be those areas identified as an AE Zone on the FIRM included in the FIS prepared by FEMA and for which base flood elevations have been provided but no floodway has been determined.
 - i. No permit shall be granted for any construction, development, use, or activity within any AE Area/District without floodway unless it is demonstrated that the cumulative effect of the proposed development would not, together with all other existing and anticipated development, increase the BFE.
 - ii. No new construction or development shall be located within the area measured 50 feet landward from the top-of-bank of any watercourse, unless the appropriate permit is obtained from the Department of Environmental Protection Regional Office.
3. The A Area/District shall be the areas identified as an A Zone on the FIRM included in the FIS prepared by FEMA and for which no one-percent (1%) annual chance flood elevations have been provided. For these areas, elevation and floodway information from other Federal, State, or other acceptable source shall be used when available. Where other acceptable information is not available, the elevation shall be determined by using the elevation of a point on the boundary of the Floodplain Conservation District which is nearest the construction site.

In lieu of the above, the municipality may require the applicant to determine the elevation with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the municipality.

4. The Shallow Flooding Area/District shall be those areas identified as Zones AO and AH on the FIRM and in the FIS. These areas are subject to inundation by 1-percent-annual chance shallow flooding where average depths are between 1 and 3 feet. In Zones AO and AH, drainage paths shall be established to guide floodwaters around and away from structures on slopes.
5. Community Identified Flood Hazard Areas shall be those areas where Souderton Borough has identified local flood hazard or ponding areas, as delineated and adopted on a "Local Flood Hazard Map" using best available topographic data and locally derived information such as flood of record,

historic high water marks, soils or approximate study methodologies.

Section 2109. Changes in Identification of Area.

- A. The Floodplain Conservation District may be revised or modified by Borough Council where studies or information provided by a qualified agency or person documents the need for such revision. However, prior to any such change, approval must be obtained from the FEMA. Additionally, as soon as practicable, but not later than six (6) months after the date such information becomes available, a community shall notify FEMA of the changes by submitting technical or scientific data.

Section 2110. Boundary Disputes.

- A. Should a dispute concerning any identified floodplain boundary arise, an initial determination shall be made by the Souderton Planning Commission and any party aggrieved by this decision or determination may appeal to the Borough Council. The burden of proof shall be on the appellant.

Section 2111. Corporate Boundary Changes.

- A. Prior to development occurring in areas where annexation or other corporate boundary changes are proposed or have occurred, the community shall review flood hazard data affecting the lands subject to boundary changes. The community shall adopt and enforce floodplain regulations in areas subject to annexation or corporate boundary changes which meet or exceed those in CFR 44 60.3.

Section 2112. Uses Permitted By Right.

- A. The following uses are permitted by right in the floodplain Conservation District in compliance with the requirements of this Article:
 - 1. Up to half of any required yard setback area on an individual residential lot may extend into the Floodplain Conservation District.
 - 2. Open space uses that are primarily passive in character shall be permitted to extend into the floodplain including:
 - a. Wildlife sanctuaries, nature preserves, forest preserves, fishing areas, passive areas of public and private parklands, and reforestation.
 - b. Stream bank stabilization.
 - 3. Forestry operations reviewed by the Montgomery County Conservation District.
 - 4. The following floodplain crossings are permitted, provided disturbance to any existing woodlands and degradation of water quality are minimized to the greatest extent practicable:
 - a. Agricultural crossings by farm vehicles and livestock.
 - b. Driveways serving single family detached dwelling units, roadways, recreational trails, railroads, and utilities.
 - 5. Agricultural uses conducted in compliance with methods prescribed in the latest version of the Department of Environmental Protection's Erosion and Sediment Pollution Control Manual. In the event that the municipality has a Riparian Corridor Conservation District or similar regulation, the more restrictive regulation shall apply.
 - 6. Public sewer and/or water lines and public utility transmission lines running along the corridor.
 - 7. Development of elevated and flood-proofed buildings on brownfield sites in redevelopment areas encouraging economic revitalization, in compliance with Section 2125.B.

Section 2113. Uses Prohibited in the Floodplain Conservation District.

- A. Any use or activity not authorized within Section 2112, herein, shall be prohibited within the

Floodplain Conservation District and the following activities and facilities are specifically prohibited, except for as part of a redevelopment project in compliance with Section 2125.B herein:

1. No new construction, alteration, or improvement of buildings and any other type of permanent structure, including fences shall be permitted in the floodway or the 100-year floodplain.
2. New construction of buildings or placement of fill within the 100-year floodplain is prohibited.
3. No encroachment, alteration, or improvement of any kind shall be made to any watercourse.
4. Clearing of all existing vegetation, except where such clearing is necessary to prepare land for a use permitted under Section 2112, herein, and where the effects of these actions are mitigated by re-establishment of vegetation.
5. Use of fertilizers, pesticides, herbicides, and/or other chemicals in excess of prescribed industry standards.
6. Roads or driveways, except where permitted as corridor crossings in compliance with Section 2112, herein.
7. Motor or wheeled vehicle traffic in any area not designed to accommodate adequately the type and volume.
8. Parking lots.
9. Subsurface sewage disposal areas.
10. Sod farming.
11. Stormwater basins, including necessary berms and outfall facilities.

Section 2114. Nonconforming Structures and Uses in the Floodplain Conservation District.

- A. The provisions of this Ordinance do not require any changes or improvements to be made to lawfully existing structures. However, when an improvement is made to any existing structure, the provisions of Section 2112 of this ordinance, and Section 1300 Nonconforming Buildings, Structures, and Uses shall apply.

Section 2115. Improvements to Existing Structures in the Floodplain Conservation District.

- A. The following provisions shall apply whenever any improvement is made to an existing structure located within any Floodplain Conservation District:
 1. No expansion or enlargement of an existing structure shall be allowed within any floodway area that would cause any increase in the elevation of the base flood elevation.
 2. No expansion or enlargement of an existing structure shall be allowed within any AE Area/District with floodway, as defined in Section 2108.A.2 that would, together with all other existing and anticipated development, increase the BFE.
 3. No expansion or enlargement of an existing structure shall be undertaken in the direction of the stream bank.
 4. Any modification, alteration, reconstruction, or improvement, of any kind to an existing structure, to an extent or amount of 50 percent or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with the provisions of this Ordinance.
 5. Historic structures undergoing repair or rehabilitation that would constitute a substantial improvement as defined in this ordinance must comply with all ordinance requirements that do not preclude the structure's continued designation as a historic structure. Documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic

Places or the State Inventory of Historic Places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer. Any exemption from the ordinance requirements will be the minimum necessary to preserve the historic character and design of the structure.

6. The above activity shall also address the requirements of the 34 PA Code, as amended and the 2009 IBC and the 2009 IRC.
7. Any modification, alteration, reconstruction, or improvement of any kind that meets the definition of “repetitive loss” shall be undertaken only in full compliance with the provisions of this ordinance.

Section 2116. Variances.

- A. If compliance with any of the requirements of this Ordinance would result in an exceptional hardship to a prospective builder, developer or landowner, Souderton Borough may, upon request, grant relief from the strict application of the requirements.
- B. Variance Procedures and Conditions:
 1. For a use other than those permitted in Section 2112, an application seeking approval by variance shall be forwarded to the Zoning Hearing Board along with required studies or information and the findings of the Zoning Officer.
 2. No variance shall be granted for any construction, development, use, or activity within any floodway area that would cause any increase in the BFE.
 3. No variance shall be granted for any of the other requirements pertaining specifically to development regulated by Section 2121 (pertaining to special technical requirements for activities requiring a Special Permit) or to Development Which May Endanger Human Life (Section 2119.A).
- C. Special Requirements for Subdivisions and Developments:
 1. All subdivision proposals and development proposals containing at least 50 lots or at least 5 acres, whichever is the lesser, in flood hazard areas where base flood elevation data are not available, shall be supported by hydrologic and hydraulic engineering analyses that determine base flood elevations and floodway information. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA for a Conditional Letter of Map Revision or Letter of Map Revision.
- D. Special Requirements for Manufactured Homes:
 1. Within the Floodplain Conservation District, manufactured homes shall be prohibited within the area measured fifty (50) feet landward from the top-of-bank of any watercourse.
 2. Where permitted by variance within the Floodplain Conservation District, all manufactured homes, and any improvements thereto, shall be:
 - a. placed on a permanent foundation,
 - b. elevated so that the lowest floor of the manufactured home is at least one and one half (1 ½) feet above the Base Flood Elevation,
 - c. anchored to resist flotation, collapse, or lateral movement, and
 - d. have all ductwork and utilities including HVAC/heat pump elevated to the Regulatory Flood Elevation.
 3. Installation of manufactured homes shall be done in accordance with the manufacturers’ installation instructions as provided by the manufacturer. Where the applicant cannot provide the above information, the requirements of Appendix E of the 2009 International Residential Building

Code (“IBC”) or the U.S. Department of Housing and Urban Development’s Permanent Foundations for Manufactured Housing, 1984 Edition, draft or latest revision thereto shall apply and 34 PA Code Chapter 401-405.

4. Consideration shall be given to the installation requirements of the 2009 IBC, and the 2009 IRC or the most recent revisions thereto and 34 PA Code, as amended where appropriate and/or applicable to units where the manufacturers’ standards for anchoring cannot be provided or were not established for the proposed installation.

E. Special Requirements for Recreational Vehicles:

1. Recreational vehicles in Zones A1-30, AH and AE must either:
 - a. be on the site for fewer than 180 consecutive days, and
 - b. be fully licensed and ready for highway use, or
 - c. meet the permit requirements for manufactured homes in Section 2116.D.

F. Variance Conditions:

1. If granted, a variance shall involve only the least modification necessary to provide relief.
2. In granting any variance, the Zoning Hearing Board shall attach the reasonable conditions and safeguards outlined herein. These conditions and safeguards are necessary in order to protect the public health, safety, and welfare of the residents of the Borough.
3. Whenever a variance is granted, the Zoning Hearing Board shall notify the applicant in writing that:
 - a. The granting of the variance may result in increased premium rates for flood insurance.
 - b. Such variances may increase the risks to life and property.
4. In reviewing any request for a variance, the Zoning Hearing Board shall consider, at a minimum, the following:
 - a. That there is good and sufficient cause, including:
 - i. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located.
 - ii. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
 - iii. That such unnecessary hardship has not been created by the appellant.
 - iv. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
 - b. That failure to grant the variance would result in exceptional hardship to the applicant.
 - c. That the granting of the variance will:
 - i. neither result in an unacceptable or prohibited increase in flood heights, additional threats to public safety, or extraordinary public expense,

- ii. nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.
5. A complete record of all variance requests and related actions shall be maintained by Souderton Borough. In addition, a report of all variances granted during the year shall be included in the biennial report to FEMA.

Section 2117. Technical Provisions in the Event of a Variance Being Granted.

- A. In granting any variance, Souderton Borough shall attach the following technical provisions to the proposal for which the variance has been granted. These conditions and safeguards are necessary in order to protect the public health, safety, and welfare of the residents of the municipality.
- B. Pertaining to the alteration or relocation of watercourse:
 1. No encroachment, alteration, or improvement of any kind shall be made to any watercourse until all adjacent municipalities which may be affected by such action have been notified by the municipality, and until all required permits or approvals have been first obtained from the Department of Environmental Protection Regional Office.
 2. No encroachment, alteration, or improvement of any kind shall be made to any watercourse unless it can be shown that the activity will not reduce or impede the flood carrying capacity of the watercourse in any way.
 3. In addition, the FEMA and Pennsylvania Department of Community and Economic Development, shall be notified prior to any alteration or relocation of any watercourse.
- C. The municipality shall require technical or scientific data to be submitted to FEMA for a Letter of Map Revision (LOMR) within six (6) months of the completion of any new construction, development, or other activity resulting in changes in the BFE. A LOMR or Conditional Letter of Map Revision (CLOMR) is required for:
 1. Any development that causes a rise in the base flood elevations within the floodway; or
 2. Any development occurring in Zones A1-30 and Zone AE without a designated floodway, which will cause a rise in the base flood elevation; or
 3. Alteration or relocation of a stream (including but not limited to installing culverts and bridges).
- D. Any new construction, development, uses or activities allowed by variance within any Floodplain Conservation District shall be undertaken in strict compliance with the provisions contained in this Ordinance and any other applicable codes, ordinances and regulations. In addition, when such development is proposed within the area measured 50 feet landward from the top of bank of any watercourse, a permit shall be obtained from the Department of Environmental Protection Regional Office.

Section 2118. Elevation and Floodproofing Requirements.

- A. Residential Structures:
 1. In AE, A1-30, and AH Zones, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be used.
 2. In A Zones, where there are no Base Flood Elevations specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation determined in accordance with Section 2108.A.4 of this ordinance.

3. In AO Zones, any new construction or substantial improvement shall have the lowest floor (including basement) at or above the highest adjacent grade at least as high as the depth number specified on the FIRM.
- B. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be utilized.
- C. Non-Residential Structures:
1. In AE, A1-30 and AH Zones, any new construction or substantial improvement of a non-residential structure shall have the lowest floor (including basement) elevated up to, or above, the regulatory flood elevation, or be designed and constructed so that the space enclosed below the regulatory flood elevation:
 - a. is floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and,
 - b. has structural components with the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 2. In A Zones, where there no Base Flood Elevations are specified on the FIRM, any new construction or substantial improvement shall have the lowest floor (including basement) elevated or completely floodproofed up to, or above, the regulatory flood elevation determined in accordance with Section 2108.A.4 of this ordinance.
 3. In AO Zones, any new construction or substantial improvement shall have their lowest floor elevated or completely floodproofed above the highest adjacent grade to at least as high as the depth number specified on the FIRM.
 4. Any non-residential structure, or part thereof, made watertight below the regulatory flood elevation shall be floodproofed in accordance with the WI or W2 space classification standards contained in the publication entitled "Flood-Proofing Regulations" published by the U.S. Army Corps of Engineers (June 1972, as amended March 1992) or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above referenced standards.
 5. The design and construction standards and specifications contained in the 2009 International Building Code (IBC) and in the 2009 International Residential Code (IRC) or the most recent revisions thereof and ASCE 24 and 34 PA Code (Chapters 401-405 as amended) shall be used.
- D. Space Below the Lowest Floor:
1. Fully enclosed space below the lowest floor (excluding basements) which will be used solely for the parking of a vehicle, building access, or incidental storage in an area other than a basement, shall be designed and constructed to allow for the automatic entry and exit of flood waters for the purpose of equalizing hydrostatic forces on exterior walls. The term "fully enclosed space" also includes crawl spaces.
 2. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - a. A minimum of two openings each on a separate wall having a net total area of not less than one square inch for every square foot of enclosed space.
 - b. The bottom of all openings shall be no higher than one foot above grade.
 - c. Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

E. Accessory Structures:

1. Structures accessory to a principal building need not be elevated or floodproofed to remain dry, but shall comply, at a minimum, with the following requirements:
 - a. The structure shall not be designed or used for human habitation, but shall be limited to the parking of vehicles, or to the storage of tools, material, and equipment related to the principal use or activity.
 - b. Floor area shall not exceed 100 square feet.
 - c. The structure will have a low damage potential.
 - d. The structure will be located on the site so as to cause the least obstruction to the flow of flood waters.
 - e. Power lines, wiring, and outlets will be elevated to the regulatory flood elevation.
 - f. Permanently affixed utility equipment and appliances such as furnaces, heaters, washers, dryers, etc. are prohibited.
 - g. Sanitary facilities are prohibited.
 - h. The structure shall be adequately anchored to prevent flotation or movement and shall be designed to automatically provide for the entry and exit of floodwater for the purpose of equalizing hydrostatic forces on the walls. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet or exceed the following minimum criteria:
 - i. A minimum of two openings each on a separate wall having a net total area of not less than one square inch for every square foot of enclosed space.
 - ii. The bottom of all openings shall be no higher than one foot above grade.
 - iii. Openings may be equipped with screens, louvers, etc. or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

Section 2119. Special Technical Requirements.

A. Development Which May Endanger Human Life:

1. In accordance with the Pennsylvania Flood Plain Management Act, and the regulations adopted by the Department of Community and Economic Development as required by the Act, any new or substantially improved structure which will be used for the production or storage of any of the following dangerous materials or substances; or, will be used for any activity requiring the maintenance of a supply of more than 550 gallons, or other comparable volume, of any of the following dangerous materials or substances on the premises; or, will involve the production, storage, or use of any amount of radioactive substances; shall be subject to the provisions of this section, in addition to all other applicable provisions. The following list of materials and substances are considered dangerous to human life:
 - Acetone
 - Ammonia
 - Benzene
 - Calcium carbide
 - Carbon disulfide
 - Celluloid
 - Chlorine
 - Hydrochloric acid
 - Hydrocyanic acid

- Magnesium
 - Nitric acid and oxides of nitrogen
 - Petroleum products (gasoline, fuel oil, etc.)
 - Phosphorus
 - Potassium
 - Sodium
 - Sulphur and Sulphur products
 - Pesticides (including insecticides, fungicides, and rodenticides)
 - Radioactive substances, insofar as such substances are not otherwise regulated.
- B. Any structure of the kind described in Subsection A., above, shall be prohibited within any Floodway Area. Where permitted by variance within any Identified Floodplain Area, any new or substantially improved residential structure of the kind described in Subsection A., above, shall be elevated to remain completely dry up to at least one and one half feet (1 ½) above base flood elevation and built in accordance with Section 2118.
- C. Within any identified floodplain area, any new or substantially improved structure of the kind described in Subsection A., above, shall be prohibited within the area measured 50 feet landward from the top-of-bank of any watercourse.
- D. Where permitted by a variance within any Identified Floodplain Area, any new or substantially improved non-residential structure of the kind described in Subsection A., above, shall be built in accordance with Section 2118 including:
1. elevated or designed and constructed to remain completely dry up to at least one and one half feet (1 ½) above the Base Flood Elevation and,
 2. designed to prevent pollution from the structure or activity during the course of a base flood.
 3. Any such structure, or part thereof, that will be built below the regulatory flood elevation shall be designed and constructed in accordance with the standards for completely dry floodproofing contained in the publication "Flood-Proofing Regulations (U.S. Army Corps of Engineers, June 1972 as amended March 1992), or with some other equivalent watertight standard.

Section 2120. Design and Construction Standards.

- A. The following minimum standards shall apply for all construction and development proposed within any Floodplain Conservation District:
1. Fill. If fill is used, it shall:
 - a. extend laterally at least fifteen (15) feet beyond the building line from all points;
 - b. consist of soil or small rock materials only - Sanitary Landfills shall not be permitted;
 - c. be compacted to provide the necessary permeability and resistance to erosion, scouring, or settling;
 - d. be no steeper than one (1) vertical to two (2) horizontal, feet unless substantiated data, justifying steeper slopes are submitted to, and approved by the Floodplain Administrator; and
 - e. be used to the extent to which it does not adversely affect adjacent properties.
 2. Drainage Facilities. Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall insure proper drainage along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.
 3. Water and Sanitary Sewer Facilities and Systems:
 - a. All new or replacement water supply and sanitary sewer facilities and systems shall be located,

- designed and constructed to minimize or eliminate flood damages and the infiltration of flood waters.
- b. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into flood waters.
 - c. No part of any on-site sewage system shall be located within any Floodplain Conservation District except in strict compliance with all State and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it, or contamination from it, during a flood.
 - d. The design and construction provisions of the UCC and FEMA #348, Protecting Building Utilities From Flood Damages and The International Private Sewage Disposal Code shall be utilized.
 4. Other Utilities. All other utilities such as gas lines, electrical and telephone systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a flood.
 5. Streets. The finished elevation of all new streets shall be no more than one foot below the Regulatory Flood Elevation.
 6. Storage. All materials that are buoyant, flammable, explosive, or in times of flooding could be injurious to human, animal, or plant life, and not listed in Section 2119A, Development Which May Endanger Human Life, shall be stored at or above the Regulatory Flood Elevation and/or flood proofed to the maximum extent possible.
 7. Placement of Buildings and Structures. All buildings and structures shall be designed, located, and constructed so as to offer the minimum obstruction to the flow of water and shall be designed to have a minimum effect upon the flow and height of flood water.
 8. Anchoring:
 - a. All buildings and structures shall be firmly anchored in accordance with accepted engineering practices to prevent flotation, collapse, or lateral movement.
 - b. All air ducts, large pipes, storage tanks, and other similar objects or components located below the regulatory flood elevation shall be securely anchored or affixed to prevent flotation.
 9. Floors, Walls and Ceilings:
 - a. Wood flooring used at or below the Regulatory Flood Elevation shall be installed to accommodate a lateral expansion of the flooring, perpendicular to the flooring grain without causing structural damage to the building.
 - b. Plywood used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.
 - c. Walls and ceilings at or below the regulatory flood elevation shall be designed and constructed of materials that are "water-resistant" and will withstand inundation.
 - d. Windows, doors, and other components at or below the regulatory flood elevation shall be made of metal or other "water-resistant" material.

10. Paints and Adhesives:

- a. Paints and other finishes used at or below the regulatory flood elevation shall be of "marine" or "water-resistant" quality.
- b. Adhesives used at or below the regulatory flood elevation shall be of a "marine" or "water-resistant" variety.
- c. All wooden components (doors, trim, cabinets, etc.) shall be finished with a "marine" or "water-resistant" paint or other finishing material.

11. Electrical Components:

- a. Electrical distribution panels shall be at least three (3) feet above the base flood elevation.
- b. Separate electrical circuits shall serve lower levels and shall be dropped from above.

12. Equipment. Water heaters, furnaces, air conditioning and ventilating units, and other electrical, mechanical or utility equipment or apparatus shall not be located below the Regulatory Flood Elevation.

13. Fuel Supply Systems. All gas and oil supply systems shall be designed to prevent the infiltration of flood waters into the system and discharges from the system into flood waters. Additional provisions shall be made for the drainage of these systems in the event that flood water infiltration occurs.

14. Uniform Construction Code Coordination:

- a. The Standards and Specifications contained 34 PA Code (Chapters 401-405), as amended and not limited to the following provisions shall apply to the above and other sections and subsections of this ordinance, to the extent that they are more restrictive and/or supplement the requirements of this ordinance.
 - i. International Building Code (IBC) 2009 or the latest edition thereof: Sections 801, 1202, 1403, 1603, 1605, 1612, 3402, and Appendix G.
 - ii. International Residential Building Code (IRC) 2009 or the latest edition thereof: Sections R104, R105, R109, R323, Appendix AE101, Appendix E and Appendix J.

Section 2121. Activities Requiring Special Permits.

- A. General. In accordance with the administrative regulations promulgated by the Department of Community and Economic Development to implement the Pennsylvania Flood Plain Management Act, the activities indicated in Sections 2121.B and 2121.C shall be prohibited within any Floodplain Conservation District unless a Special Permit has been issued by Souderton Borough. In order to apply for a special permit, a variance must first be obtained, as outlined in Section 2116.
- B. The commencement of any of the following activities; or the construction enlargement, or expansion of any structure used, or intended to be used, for any of the following activities:
 1. Hospitals
 2. Nursing homes
 3. Jails or prisons
- C. The commencement of, or any construction of, a new manufactured home park or manufactured home subdivision, or substantial improvement to an existing manufactured home park or manufactured home subdivision.

Section 2122. Application Requirements for Special Permits.

- A. Applicants for Special Permits shall provide five copies of the following items:

1. A written request including a completed Special Permit Application Form.
2. A small scale map showing the vicinity in which the proposed site is located.
3. A plan of the entire site, clearly and legibly drawn at a scale of one inch being equal to 100 feet or less, showing the following:
 - a. north arrow, scale and date;
 - b. topography based upon the North American Vertical Datum (NAVD) of 1988, showing existing and proposed contours at intervals of two (2) feet;
 - c. all property and lot lines including dimensions, and the size of the site expressed in acres or square feet;
 - d. the location of all existing streets, drives, other access ways, and parking areas, with information concerning widths, pavement types and construction, and elevations;
 - e. the location of any existing bodies of water or watercourses, buildings, structures and other public or private facilities, including railroad tracks and facilities, and any other natural and man-made features affecting, or affected by, the proposed activity or development;
 - f. the location of the floodplain boundary line, information and spot elevations concerning the base flood elevation, and information concerning the flow of water including direction and velocities;
 - g. the location of all proposed buildings, structures, utilities, and any other improvements; and
 - h. any other information which the municipality considers necessary for adequate review of the application.
4. Plans of all proposed buildings, structures and other improvements, clearly and legibly drawn at suitable scale showing the following:
 - a. sufficiently detailed architectural or engineering drawings, including floor plans, sections, and exterior building elevations, as appropriate;
 - b. for any proposed building, the elevation of the lowest floor (including basement) and, as required, the elevation of any other floor;
 - c. complete information concerning flood depths, pressures, velocities, impact and uplift forces, and other factors associated with the base flood elevation;
 - d. detailed information concerning any proposed floodproofing measures;
 - e. cross section drawings for all proposed streets, drives, other access ways, and parking areas, showing all rights-of-way and pavement widths;
 - f. profile drawings for all proposed streets, drives, and vehicular access ways including existing and proposed grades; and
 - g. plans and profiles of all proposed sanitary and storm sewer systems, water supply systems, and any other utilities and facilities.
5. The following data and documentation:
 - a. certification from the applicant that the site upon which the activity or development is proposed is an existing separate and single parcel, owned by the applicant or the client he represents;
 - b. certification from a registered professional engineer, architect, or landscape architect that the proposed construction has been adequately designed to protect against damage from the base flood elevation;
 - c. a statement, certified by a registered professional engineer, architect, landscape architect, or

other qualified person which contains a complete and accurate description of the nature and extent of pollution that might possibly occur from the development during the course of a base flood elevation, including a statement concerning the effects such pollution may have on human life;

- d. a statement certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the effects the proposed development will have on base flood elevation elevations and flows;
- e. a statement, certified by a registered professional engineer, architect, or landscape architect, which contains a complete and accurate description of the kinds and amounts of any loose buoyant materials or debris that may possibly exist or be located on the site below the base flood elevation and the effects such materials and debris may have on base flood elevation elevations and flows;
- f. the appropriate component of the Department of Environmental Protection's "Planning Module for Land Development;"
- g. where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection to implement and maintain erosion and sedimentation control;
- h. any other applicable permits such as, but not limited to, a permit for any activity regulated by the Department of Environmental Protection under Section 302 of Act 1978-166; and
- i. an evacuation plan which fully explains the manner in which the site will be safely evacuated before or during the course of a base flood.

Section 2123. Application Review Procedures.

- A. Upon receipt of an application for a Special Permit by Souderton Borough the following procedures shall apply in addition to those of Section 2125.
 1. Within 3 working days following receipt of the application, a complete copy of the application and all accompanying documentation shall be forwarded to the County Planning Commission by registered or certified mail for its review and recommendations. Copies of the application shall also be forwarded to the Souderton Planning commission and Souderton engineer for review and comment.
 2. If an application is received that is incomplete, Souderton Borough shall notify the applicant in writing, stating in what respect the application is deficient.
 3. If Souderton Borough decides to disapprove an application, it shall notify the applicant, in writing, of the reasons for the disapproval.
 4. If Souderton Borough approves an application, it shall file written notification, together with the application and all pertinent information, with the Department of Community and Economic Development, by registered or certified mail, within 5 working days after the date of approval.
 5. Before issuing the Special Permit, Souderton Borough shall allow the Department of Community and Economic Development 30 days, after receipt of the notification by the Department, to review the application and decision made by Souderton Borough.
 6. If Souderton Borough does not receive any communication from the Department of Community and Economic Development during the 30-day review period, it may issue a Special Permit to the applicant.
 7. If the Department of Community and Economic Development should decide to disapprove an application, it shall notify Souderton Borough and the applicant, in writing, of the reasons for the disapproval, and Souderton Borough shall not issue the Special Permit.

Section 2124. Special Technical Requirements.

- A. In addition to the requirements of Section 2118 of this Ordinance, the following minimum requirements shall also apply to any proposed development requiring a Special Permit. If there is any conflict between any of the following requirements and those in Section 2118 of this Ordinance or in any other code, ordinance, or regulation, the more restrictive provision shall apply.
- B. No application for a Special Permit shall be approved unless it can be determined that the structure or activity will be located, constructed and maintained in a manner which will:
 - 1. Fully protect the health and safety of the general public and any occupants of the structure. At a minimum, all new structures shall be designed, located, and constructed so that:
 - a. the structure will survive inundation by waters of the base flood elevation without any lateral movement or damage to either the structure itself, or to any of its equipment or contents below the BFE,
 - b. the lowest floor (including basement) will be elevated to at least one and one half (1 ½) feet above the Base Flood Elevation, and
 - c. the occupants of the structure can remain inside for an indefinite period of time and be safely evacuated at any time during the base flood elevation.
 - 2. Prevent any significant possibility of pollution, increased flood levels or flows, or debris endangering life and property.
- C. All hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, etc. shall be submitted in sufficient detail to allow a thorough technical review by Souderton Borough and the Department of Community and Economic Development.

Section 2125. Administration.

- A. Designation of the Floodplain Administrator. The Zoning Officer is hereby appointed to administer and enforce this ordinance and is referred to herein as the Floodplain Administrator.
- B. Permits Required. A Permit shall be required before any construction or development is undertaken within the Floodplain Conservation District. In the case of a proposed hospital, nursing home, jail, prison, or manufactured home park, the permit referred to here would be the Special Permit of Section 2122.
- C. Duties and Responsibilities of the Floodplain Administrator:
 - 1. The Floodplain Administrator shall issue a Permit only after it has been determined that the proposed work to be undertaken will be in conformance with the requirements of this and all other applicable codes and ordinances.
 - 2. Prior to the issuance of any permit, the Floodplain Administrator shall review the application for the permit to determine if all other necessary government permits required by state and federal laws have been obtained, such as those required by the Pennsylvania Sewage Facilities Act (Act 1966-537, as amended); the Pennsylvania Dam Safety and Encroachments Act (Act 1978-325, as amended); the Pennsylvania Clean Streams Act (Act 1937-394, as amended); and the U.S. Clean Water Act, Section 404, 33, U.S.C. 1344. No permit shall be issued until this determination has been made.
 - 3. In the case of existing structures, prior to the issuance of any Development/Permit, the Floodplain Administrator shall review the history of repairs to the subject building, so that any repetitive loss

issues can be addressed before the permit is issued.

4. During the construction period, the Floodplain Administrator or other authorized official shall inspect the premises to determine that the work is progressing in compliance with the information provided on the permit application and with all applicable municipal laws and ordinances. The Floodplain Administrator shall make as many inspections during and upon completion of the work as are necessary.
5. In the discharge of his/her duties, the Floodplain Administrator shall have the authority to enter any building, structure, premises or development in the Floodplain Conservation District, upon presentation of proper credentials, at any reasonable hour to enforce the provisions of this ordinance.
6. In the event the Floodplain Administrator discovers that the work does not comply with the permit application or any applicable laws and ordinances, or that there has been a false statement or misrepresentation by any applicant, the Floodplain Administrator shall revoke the Permit and report such fact to the Borough Council for whatever action it considers necessary.
7. The Floodplain Administrator shall maintain in perpetuity all records associated with the requirements of this ordinance including, but not limited to, permitting, inspection and enforcement.
8. The Floodplain Administrator shall consider the requirements of the 34 PA Code and the 2009 IBC and the 2009 IRC or latest revisions thereof.

Section 2126. Application Procedures and Requirements.

- A. Application for such a Permit shall be made, in writing, to the Floodplain Administrator on forms supplied by Souderton Borough. Such application shall contain the following:
 1. Name and address of applicant.
 2. Name and address of owner of land on which proposed construction is to occur.
 3. Name and address of contractor.
 4. Site location including address.
 5. Listing of other permits or variances required.
 6. Brief description of proposed work and estimated cost, including a breakout of flood-related cost and the market value of the building before the flood damage occurred where appropriate.
- B. If any proposed construction or development is located entirely or partially within any Floodplain Conservation District, applicants for Permits shall provide all the necessary information in sufficient detail and clarity to enable the Floodplain Administrator to determine that:
 1. All such proposals are consistent with the need to minimize flood damage and conform to the requirements of this and all other applicable codes and ordinances.
 2. All utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.
 3. Adequate drainage is provided so as to reduce exposure to flood hazards.
 4. Structures will be anchored to prevent floatation, collapse, or lateral movement.
 5. Building materials will be flood-resistant.
 6. Appropriate practices that minimize flood damage have been used.

7. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities have been designed and/or located to prevent water entry or accumulation.
- C. Applicants shall file the following minimum information plus any other pertinent information as may be required by the Floodplain Administrator to make the above determination:
1. A completed Permit Application Form.
 2. A plan of the entire site, clearly and legibly drawn at a scale of one inch being equal to 100 feet or less, showing the following:
 - a. north arrow, scale, and date;
 - b. topographic contour lines, if available;
 - c. the location of all existing and proposed buildings, structures, and other improvements, including the location of any existing or proposed subdivision and development;
 - d. the location of all existing streets, drives, and other access ways; and
 - e. the location of any existing bodies of water or watercourses, the Floodplain Conservation District, and, if available, information pertaining to the floodway, and the flow of water including direction and velocities.
 3. Plans of all proposed buildings, structures and other improvements, drawn at a scale of one inch being equal to one hundred (100) feet or less showing the following:
 - a. the proposed lowest floor elevation of any proposed building based upon North American Vertical Datum of 1988;
 - b. the elevation of the base flood;
 - c. supplemental information as may be necessary under 34 PA Code, the 2009 IBC or the 2009 IRC.
 4. The following data and documentation:
 - a. Detailed information concerning any proposed floodproofing measures and corresponding elevations.
 - b. If available, information concerning flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood elevation; and detailed information concerning any proposed floodproofing measures and corresponding elevations.
 - c. Documentation, certified by a registered professional engineer or architect, to show that the cumulative effect of any proposed development within an AE Area/District without floodway when combined with all other existing and anticipated development, will not increase the base flood elevation.
 - d. A document, certified by a registered professional engineer or architect, which states that the proposed construction or development has been adequately designed to withstand the pressures, velocities, impact and uplift forces associated with the base flood elevation. Such statement shall include a description of the type and extent of flood proofing measures which have been incorporated into the design of the structure and/or the development.

- e. Detailed information needed to determine compliance with Section 2120.A.6., Storage, and 2119.A, Development Which May Endanger Human Life, including:
 - i. the amount, location and purpose of any materials or substances referred to in Sections 2119 and 2120.A.6 which are intended to be used, produced, stored or otherwise maintained on site, and
 - ii. a description of the safeguards incorporated into the design of the proposed structure to prevent leaks or spills of the dangerous materials or substances listed in Section 2119 during a base flood.
 - f. The appropriate component of the Department of Environmental Protection's "Planning Module for Land Development."
 - g. Where any excavation or grading is proposed, a plan meeting the requirements of the Department of Environmental Protection, to implement and maintain erosion and sedimentation control.
5. Applications for Permits shall be accompanied by a fee, payable to the municipality based upon the estimated cost of the proposed construction as determined by the Floodplain Administration.

Section 2127. Review by County Conservation District

- A. A copy of all applications and plans for any proposed construction or development in any Floodplain Conservation District to be considered for approval shall be submitted by the Floodplain Administrator to the County Conservation District for review and comment prior to the issuance of a Permit. The recommendations of the Conservation District shall be considered by the Floodplain Administrator for possible incorporation into the proposed plan.

Section 2128. Review of Application by Others

- A. A copy of all plans and applications for any proposed construction or development in any Floodplain Conservation District to be considered for approval may be submitted by the Floodplain Administrator to any other appropriate agencies and/or individuals (e.g. planning commission, municipal engineer, etc.) for review and comment.

Section 2129. Changes.

- A. After the issuance of a Permit by the Floodplain Administrator, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written consent or approval of the Floodplain Administrator. Requests for any such change shall be in writing, and shall be submitted by the applicant to Floodplain Administrator for consideration.

Section 2130. Placards.

- A. In addition to the Permit, the Floodplain Administrator shall issue a placard which shall be displayed on the premises during the time construction is in progress. This placard shall show the number of the Permit the date of its issuance and be signed by the Floodplain Administrator.

Section 2131. Start of Construction.

- A. Work on the proposed construction shall begin within 180 days after the date of issuance and shall be completed within 12 months after the date of issuance of the Permit or the permit shall expire unless a time extension is granted, in writing, by the Floodplain Administrator. The term, 'start of construction' shall be understood as defined in Section 2106 of this ordinance.
- B. Time extensions shall be granted only if a written request is submitted by the applicant, which sets forth sufficient and reasonable cause for the Floodplain Administrator to approve such a request and the original permit is compliant with the ordinance and FIRM/FIS in effect at the time the extension is granted.

Section 2132. Enforcement.

- A. Notices. Whenever the Floodplain Administrator or other authorized municipal representative determines that there are reasonable grounds to believe that there has been a violation of any provisions of this Ordinance, or of any regulations adopted pursuant thereto, the Floodplain Administrator shall give notice of such alleged violation as hereinafter provided. Such notice shall:
1. be in writing,
 2. include a statement of the reasons for its issuance,
 3. allow a reasonable time not to exceed a period of 30 days for the performance of any act it requires,
 4. be served upon the property owner or his agent as the case may require; provided, however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served by any method authorized or required by the laws of this State, and
 5. contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance.
- B. Penalties. Any person who fails to comply with any or all of the requirements or provisions of this Ordinance or who fails or refuses to comply with any notice, order or direction of the Floodplain Administrator or any other authorized employee of the municipality may have a civil judgement payable to Souderton Borough, of not less than \$300 nor more than \$1,000 per violation plus costs of prosecution entered against them. In addition to the above penalties all other actions are hereby reserved including an action in equity for the enforcement of this Ordinance. The imposition of a judgement for any violation of, or noncompliance with, this Ordinance shall not excuse the violation or noncompliance or permit it to continue and all such persons shall be required to correct or remedy such violations and noncompliance within a reasonable time. Any development initiated or any structure or building constructed, reconstructed, enlarged, substantially improved, or relocated, in noncompliance with this Ordinance may be declared by the Borough Council to be a public nuisance and may be abatable as such.

Section 2133. Appeals.

- A. Any person aggrieved by any action or decision of the Floodplain Administrator concerning the administration of the provisions of this Ordinance, may appeal to the Borough Council. Such appeal must be filed, in writing, within 30 days after the decision, determination or action of the Floodplain Administrator.
- B. Upon receipt of such appeal the Borough Council shall consider the appeal in accordance with the Municipal Planning Code and any other local ordinance.
- C. Any person aggrieved by any decision of the Borough Council may seek relief therefrom by appeal to court, as provided by the laws of this Commonwealth including the Pennsylvania Flood Plain Management Act.

Section 2134. Enactment.

- A. Adoption. This Ordinance No. 16-723-01 shall be effective on March 2, 2016 and shall remain in force until modified, amended or rescinded by Souderton Borough, Pennsylvania.

[Added: Ord. no 16-723-01; 3/7/16]